

PROXY JUSTICE: FAMILIES OF OFFENDERS IN CONTEMPORARY JAPAN

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ABSTRACT

This ethnographic study examines the repercussions of criminal justice contact on families of offenders in Japan. From January 2014 to August 2015, I observed and interviewed fifty individuals, whose kin came into conflict with the law for violent, property, sex, and drug-related offenses. Through a feminist lens, I looked at the families' life experiences including their perceptions of the courtesy stigma, the feelings of ambivalence toward the criminal justice system as well as the offender, and the gendered and unequal distribution of offender support activities. In the end, I conclude that families of offenders, women in particular, often step in to fill the voids left by criminal justice institutions and social services to provide offenders all-inclusive care.

This study pushes boundaries of feminist criminology by showing how women can be affected by the male-dominated world of crime and criminal justice, other than as victims and offenders. Due to cultural notions of femininity and women's subordinate status in the family, female relatives of offenders are often pressured to work as a proxy for agents of control, aiding the very system that incapacitates, disenfranchises, and marginalizes their kin. This perspective opens a new direction for thinking about the consequences of criminal justice contact on the family, questioning the fundamental efficacy and ethicality of the criminal justice system.

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CHAPTER 1: INTRODUCTION

Studying Offenders' Families

Mass incarceration in the United States has generated a clear need for research on families of prisoners. Both American and British literatures on the families of transgressors have found that the family members of offenders experience a wide array of economic, health, psychological, and social disruptions in their lives (Braman, 2007; Christian, Mellow, & Thomas, 2006; Comfort, 2003; Condry, 2007; Dressel & Barnhill, 1994; Fishman, 1988; Howarth & Rock, 2000). Because people's contact with the criminal justice system comes in different shapes and forms, scholars are now broadening their analytical scope and examining the overall repercussions of criminal justice contact on families of offenders (Comfort, 2016; Wakefield, Lee, & Wildeman, 2016).

Conducting a twenty-month ethnography in four metropolitan areas in Japan, I inquired into the lives of wives, parents, and siblings of lawbreakers. Using a feminist lens, I also investigated families' complex emotional processes as well as perceived experiences of stigma. Offender's kin in Japan, specifically women, are presumed to work as a proxy for criminal justice authorities, playing the roles of the informant, witness, caregiver, and de fact probation/parole officer. These institutionally expected roles wear out family members and often render them ambivalent about the offender's reentry. Whereas the Western scholarship sees offenders' families as an important resource for prisoner reentry, this study highlights the necessity for addressing families' needs before automatically assuming their support. Paying particular attention to gender and its impact on offender support activities, it also reveals how

cultural notions of femininity prompts the criminal justice system to rely on women as its proxy.

Japan as a Case Study

Because Japan is widely known for its use of the informal means of social control, families of offenders are an integral part of the nation's crime control mechanism, in obtaining confessions (Johnson 2002b), publicly shaming the offender (Steinhoff 2008), and so on. Using Japan as a research site and comparing its penal landscape to the United States, this study examines the broader consequences of crime on the family. In contrast to the Western scholarship that primarily focuses on the families of serious offenders and prisoners, this study examines the lived experiences of a variety of offenders' families in Japan. Underlining the family members' severe experiences of stigma, the study also challenges the conventional understanding of Japan as a "reintegrative" or "restorative" society (Bayley, 1991; Braithwaite, 1989; Johnson, 1996). Ultimately, this research calls for an alternative system that relies less on women to arrest, prosecute, punish, and rehabilitate lawbreakers.

Japan has historically drawn the attention of criminologists due to its strikingly low crime rates. While the initial fascination with Japan has waned over the years, criminological studies of Japan still provide valuable lessons to other societies. The United States is currently experiencing crime decline despite the long-standing trend of mass incarceration. In fact, there seems to be a global trend of crime drop witnessed by European and North American countries. For these nations, observing the Japanese experience of dealing with criminal stigma should serve as a learning opportunity for the future. In the Anglo-American and androcentric discipline of criminology, moreover, Asian women and their interactions with the criminal justice system have been overlooked. Using Japan as a case study, not only does this research address these

gaps but also conclude that the criminal justice system cannot function without a broad range of unpaid labor carried out by the female family members of offenders. This contention resonates with the American experience as well. In the United States, female relatives of drug offenders provide care and support for addicts in lieu of social and criminal justice services (Richie, 2002). Through ethnography of the families of various types of lawbreakers in Japan, thus, this research contributes to debates about the fundamental efficacy and ethicality of the criminal justice system.

CHAPTER 2: REVIEW OF THE LITERATURE

Kin, Crime, and the System of Control in Contemporary America

Although this study explores the intersections of crime, criminal justice, and family life in Japan, it is framed within the crime and criminal justice literature in the West, where more attention has been devoted to the issue. Specifically, this research draws upon the American scholarship on penal control to a large extent, for it has grown significantly in the last four decades as a result of the skyrocketing number of correctional population. While Japan is yet to experience such a drastic increase in incarceration, the rich literature on American prisoners' families would serve as a valuable tool to make sense of the Japanese case through comparisons.

Evidence suggests that the prison boom in the United States was the response to many societal changes, such as the rising fear of crime, the politicization of crime, individualistic approaches to social problems, and the growing conservative political climate (Mauer 2001; Simon 2001). The inception of mass imprisonment, however, can be traced back to several policy changes that occurred in the United States, such as the adoption of the Rockefeller Drug Laws in 1973 and the declaration of the war on drugs by the Reagan administration in 1986. They have raised the prison population to an astronomical number, while the crime rates continued to drop (Mauer 2001; Wakefield, Lee, and Wildeman 2016). Noting that this extraordinary shift in the US penal policies is an entirely new phenomenon that is not seen in any other comparable nations, Garland (2001) urged researchers to examine not only the impacts of mass imprisonment on individual offenders but also its social consequences on families and communities. Scholars found that the punitive and massive expansion of imprisonment disproportionately affected the communities of urban racial minorities (Gordon 1999; Wacquant

2001). They also argued that the majority of prisoners go back to their communities with virtually no access to meaningful jobs, healthy ties to the family and community members, and legal rights to vote, find affordable housing, and obtain public assistance (Petersilia 2003; Travis 2005).

Although the studies on prisoners' families have existed in the West before the arrival of mass imprisonment in the United States (for example, Morris 1965), the systematic examination of prisoners' kin was certainly accelerated by the unprecedented number of prisoners in American correctional facilities, especially the number of children with incarcerated parents. Calling for longitudinal studies on the consequences of parental incarceration on children, Hagan (1996) argued that the children not only lose their financial capital but also social capital upon their parents' imprisonment, which in turn leads to the youngsters' diminished life chances. In their seminal piece, Hagan and Dinovitzer (1999) emphasized the importance of examining the "unnoticed costs and consequences of imprisonment" (p. 153) on offenders, families, and communities. Out of this research agenda, a new body of research emerged that found a host of social, economic, psychological, and health problems experienced not only by offenders but also their kin and community members. In the following, I will delineate these findings as experienced by each group of individuals whose lives were touched by incarceration, in hopes of mapping out an analytical space in which this study is situated.

Collateral Consequences of Imprisonment on Offenders

Bureau of Justice Statistics reported that there were 6,741,400 adult offenders under the supervision of the US correctional system in 2015 (Kaeble and Glaze 2016). Although there is a recent trend of modest decrease in the incarceration rate, American correctional populations still

stand far apart from those of other nations, including Rwanda and Russia (The Sentencing Project 2015). Each year, roughly 280,000 people are released from prison, with 67.8% of them experiencing rearrest within three years (Durose, Cooper, and Snyder 2014). This high rate of recidivism is generally attributed to the nature of the American penal system that significantly disrupts the lives of those who are touched by it.

The specific collateral consequences of imprisonment on offenders include legal and practical barriers to social reintegration, including limited opportunities for employment, public benefits, licensing, housing as well as potential loss of parental rights (Hirschi et al. 2002; Petersilia 2003). The psychological aspect of collateral consequences of incarceration should also be noted, as they represent significant obstacles for particular offenders. For instance, studies have found that those who returned to their communities as registered sex offenders experience verbal assault and harassment, stigmatization, shame, and a sense of vulnerability and argued that they sever ties between offenders family and might even lead to reoffending (Levenson et al. 2007; Levenson and Cotter 2005; Tewksbury 2004, 2005). Furthermore, the collateral effects have implications for more fundamental issues of stratification. For example, because incarceration disrupts individuals' employment, young black males who are especially prone to arrest and imprisonment suffer from a decrease in wages after imprisonment more than any other category of race, age, and gender (Western 2002). Wakefield and Uggen (2010) further argue that punishment reproduces and reinforces social inequality. They urge social scientists to shift their views of punishment from being a mere reflection of inequality to being a generator of social stratification. Because imprisonment cuts off prisoners' ties to conventional social institutions, their families and communities are also influenced by imprisonment, losing kin, intimates, and significant members of society to prison.

Effects on Children

Hagan and Dinovitzer (1999) identify the impact of imprisoning parents on children as one of the most significant collateral effects. In 2007, there were a little over 1.7 million children under age of 18 who had at least one parent in state or federal prison, representing 2.3 percent of the US total population under age 18 (Glaze and Mruschak 2008). However, this problem is deeply intertwined with the recent punitive trend in the US criminal justice system that increasingly sends women to jails and prisons. Many studies have found that maternal incarceration and paternal incarceration have different types of impact on the lives of children, as the former is more likely to lead to displacement of children from homes (Bloom 1993) and the latter tends to have negative impact on children's behavioral problems such as underage drinking (Foster and Hagan 2013; Kinner et al. 2007). Nevertheless, when a parent is sent to prison, children experience significant disruptions in their lives. The parent-child relationship is damaged and other consequences of parental incarceration such as educational, health, and economic problems arise. In many cases, these spillover effects lead to juvenile delinquency and subsequent incarceration of children themselves (Richie 2002). This gives rise to a great need for the academic inquiry into collateral consequences of imprisonment, which go way beyond the offenders themselves, as these effects reproduce another generation that is vulnerable to incarceration, creating a vicious cycle of incarceration in American society (Murray 2007).

Effects on Wives

Successful prisoner reentry greatly relies on the availability of family support (Arditti and Few 2006; Naser and La Vigne 2006). However, families' efforts are often hindered by a number

of economic, health, emotional, and social strains. Christian (2005) contends that families are caught in a double bind as their effort to support the prisoner's reentry is hindered by the prison system, which takes away the resources needed to maintain a strong relationship with the incarcerated kin. Having to pay for the collect call bills and the transportation cost for prison visits on top of losing one of the income producers to incarceration constitute a great financial hardship for the family members. They frequently face a dilemma of prioritizing their lives or the prisoner's life. A study conducted by Ariditti, Lambert-Shute, and Joest (2003) points out that financial strain is one of the greatest issues experienced by supportive families but other negative effects include parental strain, stigmatization, emotional stress, work-family conflict, and structural parameters.

Comfort's (2003) ethnographic study on wives of prisoners in California provides insights into the lives of women who struggle to fulfill their family obligations and responsibilities in the absence of their husbands. Drawing upon the classical work of Clemmer (1940) and his concept of prisonization, she argues that these women experience "secondary prisonization" and that "women whose kin and intimates are caught in the revolving door of 'corrections' experiencing restricted rights, diminished resources, social marginalization, and other consequences of penal confinement, even though they are legally innocent and reside outside of the prison's boundaries" (P.79). In order to cope with the negative consequences of spousal incarceration, wives rely on family support, religious faith, their children, communication with the inmate, and support from their own extended family (B. Carlson and Cervera 1992). In spite of the substantial progress, the scholarship of the collateral consequences of incarceration on wives and mothers (and maternal grandmothers) has made recently, the

literature is surprisingly void of a gendered analysis on the different degree and the different types of supportive activities that women and men take on (Hannem 2011).

Effects on the Community

The family is a basic building block of communities. Thus, it is important to understand the collective effects of incarceration. Indeed, many researchers have argued that short-term and long-term consequences of imprisonment go well beyond individual prisoners and even their families. A study done by Rose, Clear, and Ryder (2001) refutes the idea that community members benefit from incarceration or the removal of transgressors, arguing that incarceration actually disrupts the social capital of people in the entire community. In another study, Rose and Clear (2001) argue that the reentry of individuals once removed from the community does not benefit community members because reentry creates an environment where people become increasingly isolated from each other and from the broader social fabric. For example, Hagan and Foster (2012) find that parental incarceration has a detrimental effect not only at the individual level but also at the school level, influencing even children of nonincarcerated parents. Since educational attainment is one of the most important variables that predict criminality, these spillover effects of incarceration into the school environment clearly demonstrate the importance of rethinking reentry as a community phenomenon (Clear et al. 2001).

Gaps in the American Literature

While a rich literature exists on the collateral consequences of imprisonment on the family in the United States, one major limitation lies in its narrow focus on the examination of serious offenses that resulted in imprisonment (Comfort 2007; Lageson 2016). This is perhaps

due to the tendency of Western social scientists to treat prisons as one of the most suitable places to examine the system of social control (Kohler-Hausmann 2013). Nonetheless, it is well known that the vast majority of criminal cases are routinely dismissed or dealt with through probation or other alternatives to confinement. Yet, these cases remain understudied, despite the fact that they are often mistreated in the shadow of celebrated cases (Bach 2010; Feeley 1992).

In the most recent studies, specifically in the May 2016 issue of *The ANNALS*, scholars increasingly show concerns about this problem, arguing that the future research needs to include the collateral consequences of coming in contact with the criminal justice system due to less serious crimes, such as drug offenses. One of the leading scholars in the field of offender family studies and the chief advocate for this recent research agenda, Sara Wakefield, along with her colleagues point out that the consequences of *criminal justice contact* should be examined instead of imprisonment, arguing that people's encounter with the criminal justice system comes in different shapes and forms (Wakefield et al. 2016). In her study of frequent, less serious offenders and their families in New York, Comfort (2016) also exemplified that ex-inmates' process of reentry most significantly disrupted their family members, rather than imprisonment itself. Hence, there is a paucity of knowledge about the lives of family members of offenders *before and after* their kin's imprisonment (Condry 2007).

Another less obvious limitation to the past studies is the failure to explain the mechanisms of shaming and stigmatization experienced by the families of offenders. While shame is a popular topic in the offenders' family literature, the gap exists, in regards to the examination of how the families come to perceive shame and stigma in the wake of their kin's crime. Moreover, the previous studies have suggested that fewer occurrences of crime in communities have an inverse effect on the level of stigma faced by offenders' kin (Fishman

1988; Schwartz and Weintraub 1974). However, the offenders' family literature is yet to include a systematic analysis of shaming processes experienced by offenders' families, especially in a society where crime is relatively uncommon.

One can argue that the studies of the spillover effects of imprisonment in the United States largely began as part of an effort to critically evaluate the American penal system and its impact. The studies of prisoners' families, however, have revealed that the benefits of imprisonment exist as well, especially for women and children who were living with the law breaking husbands, partners, and fathers who were also physically abusive (Comfort 2008; Hagan and Dinovitzer 1999; Wakefield and Powell 2016). Fishman (1990) also found that the wives of prisoners experienced relief when their re-offending husbands got apprehended and incarcerated. Hence, the research on the family members of offenders/prisoners has revealed the consequences of imprisonment may be more complex than previously thought (Sampson 2011; Turanovic, Rodriguez, and Pratt 2012). But the empirical gap remains, as the studies have yet to examine the complex emotional processes that the family members experience, as they are expected to care for the legally troubled kin who cycle through the criminal justice system.

Lastly, it is a well-established fact that the female family members and partners are the ones who take up the role of primary caregiver for offenders (Christian 2005; Comfort 2008; Fishman 1990; Girshick 1996; Richie 2002). Yet, few studies have critically examined why it is always the women who end up providing a wide array of support for offenders (Hannem 2011). As the overall literature of caring has shown that the governments intentionally use women's volunteer or underpaid work to care for the elderly and other individuals with disabilities, it is suspected that the criminal justice system in Japan relies on women's physical and mental work to assist offenders. Therefore, a dire need exists to inquire about the gendered division of

offender care work and the significance of women's assistance to the entire formal and informal systems of control in Japan.

The Western literature on the collateral consequences of incarceration on the family demonstrates several lacunae, which this research seeks to address by examining the formal or informal consequences of criminal justice contact, as experienced by the family members of offenders in Japan on a daily basis. Some gaps in the literature are magnified when the issue is considered specifically in a Japanese context. For instance, the legal and emotional assistance of the family members of suspects is crucial, as the families are customary pulled into the police investigation with a risk of being exploited and even abused by the police and prosecutors during interrogation (Abe 2015). Thus, limiting the scope of research to the family members of prisoners does not capture the entire processes, mechanisms, and contexts of how these family members' lives are disrupted by their kin's crime. Moreover, looking at the same issue in a different cultural, social, and political context highlights some other important aspects that may be overlooked by the Western researchers.

Families of Offenders in the Japanese Context

Today, Japan continues to enjoy one of the lowest crime rates among the developed democracies. In 2017, a total of 55,967 persons or 45 per 100,000 of the national population were housed in prisons, jails, and detention centers in Japan (Ministry of Justice 2017b). Slightly higher than 45, yet Table 1 shows that Japan's incarceration rate in 2015 was significantly lower than that of the US, UK, Canada, France, Germany, Australia, New Zealand, Korea, or Singapore. Despite the country's minuscule prison population, which has been consistently declining since 2009, however, Japan's penal system has taken a punitive turn in the last decade.

It has adopted the “get tough on crime” approach and become less focused on rehabilitation due to “a greater sense of public insecurity, economic and social disruption, increased anxieties about foreigners, politicians’ emphasis on law and order, and a series of police scandals and notorious crimes” (Johnson 2007:371). The emergence of a new wave of movement for victims’ rights, which has won the support of prosecutors who hold substantial power in the justice system, contributes to this punitive shift as well. Moreover, in May 2009, the much anticipated lay-judge system came into effect in Japan. This newly adopted judicial system allows lay people to join judges not only in fact-finding processes but also in sentencing decisions (Levin and Tice 2009). A study has found that the most salient impact of the lay-judge system may be seen in sex-related criminal trials as lay judges have a tendency to impose disproportionately harsher sentences on defendants in sex offense cases than for other crimes (Hirayama 2012). However, the exact consequences of this “penal populism” (Hamai and Ellis 2009) on the everyday lives of offenders and their kin still remain unknown. This study, therefore, appears at a time of great potential and significant challenge for Japan’s criminal justice.

Table 1. Incarceration rates, by selected countries, 2015

	Rate per 100,000 population
Japan	48
US	698
UK	148
Canada	106
France	95
Germany	78
Australia	151
New Zealand	194
Korea	101
Singapore	227

Source: Walmsley (2015)

The studies of the overall Japanese systems of crime control and punishment have yet to reach the level of sophistication and rigor achieved in the Western criminal justice literature (Miyazawa 1990). Classical studies on Japan's criminal justice system have largely been an attempt by Western scholars to demystify the mechanism of maintaining "safe streets" in such a dense, industrialized, and urbanized society. For instance, in his influential book, Braithwaite (1989) delineates how Japanese society controls crime by separating shame and punishment, one of the most significant characteristics of reintegrative shaming. Contrasting to the Japanese police to the American counterpart, Bayley (1991) attributes Japan's police that prod, guide, and alert the society to Japan's lower crime rate. Other scholars have joined the search for culturally "unique" features of Japanese crime control measures and pointed to social solidarity as one of the explanations for a low incarceration rate (Johnson 1996). In more recent studies, however, scholars in Japan and abroad sound an alarm for treating the Japanese system of criminal justice as a cultural anomaly, for it has started to follow other nations' example of "get tough on crime" (Hamai and Ellis 2006). They call for more rigorous examinations of the entire criminal justice system in Japan as well as its relationship to the members of society (Hamai and Ellis 2006; Miyazawa 1990).

While the field of offenders' families in Japan is still in its infancy, there are several studies worthwhile to note. In her study of radical student activists and their family members in Japan, Steinhoff (Steinhoff 2008) vividly documents the extent of disdain the families faced in the wake of sensational political crimes. Recalling the public reactions to his violent act, a former student who planted time bomb attacks in Tokyo in the mid-1970s under the slogan of

anti-Japan, wrote in a support group newsletter as follows:

Every member of Higashi Asia Hannichi Busō Sensen had a family. Naturally the members were shunned as traitors and persecuted, but our families were also shunned and persecuted in the same way. In my own family, although my father was the first son, he was not even invited to his own father's funeral. How painful that must have been. They were also harassed by the neighbors countless times. One morning after a snowfall, the snow was mounded up in front of our house and a pile of dog dung was left in it with the word 'hikokumin' (traitor) (Cited in Steinhoff 2008: 98).

The quote demonstrates that severe negative reactions to sensational crimes were not uncommon in Japanese society even a half-century ago. Steinhoff's research on student activists holds another significance to the current study, as it is speculated that the origin of offenders' family support in Japan can be traced back to the students who were assisting the parents of those who fell victim to mass arrests during the late 1960s and early 1970s.

Not only do the families of offenders suffer from severe isolation and stigmatization in communities but also face a great psychological and moral dilemma. Family members often express resentment and anger for being treated as criminals simply because their blood-relative committed a wrongdoing (Fukaya 2016; Suzuki 2010). Although they deeply understand that the family member's offenses caused serious damage to the victim and victims' family, the family members of offenders usually believe that apologizing and compensating for the offense are not their responsibility. At the same time, families often feel that they are partially responsible for the crime committed by their kin and feel obliged to make atonement along with the offender. A statement made by the wife of an offender who was convicted of kidnapping and killing a five-year-old in 1980 exemplifies how offender families are expected to share partial responsibility and guilt. She stated that, "My husband's crime is my crime. Prosecutors explained to me what happened. I am the one who pressured him into committing these offenses. I am as guilty as my husband. I wish to be punished along with him" (Yasuda 2005:126). This tendency of the family members to see themselves as bearing the same responsibility as offenders largely comes from the institutional pressure, as corroborated by a prominent defense lawyer, Koichi Kikuta (2002),

who writes that “it seems as though Japan’s penal system is trying its hardest to remind them that they are the family members of criminals time and time again” (p. 92).

Today’s leading figures in the field, Hiroi Fukaya and Kyoko Abe (2012) state that the offender’s family support should be considered separately from the issue of offender rehabilitation. This stands in contrast to the American and British model of offender family study, which emphasizes the importance of strong family ties in a successful reentry process. Examining the offenders with mental health issues and their kin, Fukaya (2007, 2009) points out that the Japanese state’s tendency to treat the family as a social resource to care for offenders renders the offenders’ kin financially, emotionally, and physically overwhelmed. Viewing the issue from a more practical standpoint, Abe (2015) notes that one of the most serious repercussions of being related to an offender is social isolation and marginalization, as they are structurally ignored and removed from the conventional relationships of people. To curtail the impact of stigmatization on the families, Abe argues that assisting them from the early stage of criminal justice contact is crucial. To do so, she stresses the importance of the cooperation between law enforcement, defense attorneys, and social workers to enable the offender family support from the moment of arrest.

Advancing the Scholarship

While these studies of the Japanese experience are all illuminating and insightful, they remain largely descriptive and anecdotal. The sample size also tends to be very small, often excluding male family members. Fukaya’s (2016) most recent study published in Japanese, for example, examines eleven wives and mothers, which is the biggest sample yet in the literature of Japanese offenders’ families. To this day, there are no published, comprehensive studies about

family members of offenders in Japan available to the Western readership. As stated earlier, the Western scholarship on the families of offenders suffers from several lacunae, as it focuses on serious offenders and the consequences of imprisonment, fails to explain the mechanisms of shaming, overlooks families' emotional processes, and lacks a gendered analysis. The gaps in the Japanese literature closely parallel these limitations.

First and foremost, although the previous literature on Japanese families of offenders has included the entire criminal justice contact and its consequences on the family, it still focused largely on serious cases such as violent and sex offenses (for example, Abe 2015; Fukaya 2016). Drug offenders who habitually come back to prison due to their addiction and juvenile delinquents who may carry their delinquent tendencies into adulthood, are mostly absent in the previous literature. These types of law breaking are expected to have lingering effects on their family members due to their prolonged involvement with the criminal justice system. Drug offenses, in particular, deserve significantly more attention, as they show the highest rate of recidivism in Japan (Ministry of Justice 2015b). Yet, to my knowledge, there is no single qualitative study conducted on the family members of substance abusers. Additionally, neither subjects of gender, shame, or emotional processes are fully explored in the Japanese scholarship.

Research Questions and Operationalization

Based on the Western and Japanese literature on offenders' families and its limitations presented above, I formulated one main research question that summarizes my inquiry and three subsidiary research questions. By answering these questions, I will closely examine three different aspects of the family members' lived experiences—gender, stigma, and emotion:

MRQ: What are the collateral consequences of criminal justice contact on the family members of offenders in Japan?

RQ 1: Why are women family members often the primary caretakers of offenders? How does their function as caretakers intertwine with the workings of the criminal justice system? [Gender]

RQ2: What are the consequences of informal sanctions experienced by the offenders' families in a relatively crime-free society? Also, what are the exact mechanisms of stigmatization and shaming? [Stigma]

RQ 3: What are the emotional consequences of crime on the family members of offenders? How do the families cope with them? [Emotion]

Criminal justice contact is defined as any interaction with the authorities at any point in the criminal justice process, including investigation, arrest, detention, imprisonment and probation/parole. Thus, offenders are operationalized in this study as suspects, arrestees, detainees, prisoners, and parolees/probationers, virtually anyone who has had a direct contact with the criminal justice system. Family members are operationalized as the offenders' immediate kin, including parents, spouses, siblings, and children (18 or older).

By addressing the gaps in the Japanese and Western literature, this study tries to throw the characteristics of Japanese society and its criminal justice system into sharp relief and thus, ultimately strives to contribute to more understanding of Japan's formal and informal social

control. Using Japan as a research site also allows this study to make several contributions to the overall literature of the families of offenders. First, because Japan is a country with an exceptionally low crime rate, it would add new knowledge to the literature about the magnitude of shaming and stigmatization experienced by offenders' families in a society where crime is relatively rare. Second, gendered patterns of offender support activities and families' complex and conflicting feelings seem to be the commonly experienced by Japanese families as well as those in the West despite the disparities in the criminal justice system and its punitiveness. By framing the Japanese case within the British and North American scholarship of offenders' kin, this study seeks to tease out what can be attributed to such common experiences and thus, advance the overall scholarship of crime, criminal justice, and family life.

CHAPTER 3: CRIMINAL JUSTICE SYSTEM IN JAPAN

Crime in Japan

This chapter gives an overview of Japan's criminal justice system to illustrate the environment in which the participants of this study experience, define, and perceive their kin's crime and its repercussions. It is well known that Japan maintains one of the safest societies in developed democracies. Tables 2 and 3 show the international comparisons in the murder rate and the rate of adults brought into formal contact with the police and/or the criminal justice system. Japan's homicide rate of 0.3 per 100,000 population in 2014 is only surpassed by Singapore with 0.25 and is still lower than that of any other countries in Europe, Oceania, or Northern America. Japan's rate of adults brought into formal contact with the police and/or the criminal justice system is also lower than that of any other developed democracies in the world (UNODC 2014). As shown in Figure 1, Japan marked the historic low in the number of incidents brought to the attention of police in 2016 since the World War II. Even considering the country's shrinking population, some 30 % decrease since the peak year of 2003 is remarkable (Ministry of Justice 2017b).

These low rates of crime directly translate into the reality of Japan where ordinary citizens have slim chances of encountering the criminal justice system throughout their lifetime. In 2017, a total of 215,006 persons were arrested, detained, or interrogated by the police (National Police Agency 2017a). This is less than 0.002 % of the total population of Japan. In terms of victimization, 2 % of Japanese residents experienced one or more property crimes in 2011, compared to 8.8% of property victimization in the United States in 2016. Violent crime

was experienced even less by Japanese, with 0.4% of victimized residents, compared to 1.3% in the United States in the same years (Bureau of Justice Statistics 2017; Ministry of Justice 2012). While property and violent crimes are on the decline, drug offense seems to be increasing in Japan. Although the number of offenses related to crystal meth, the most popular drug of choice among Japanese, has slightly decreased from the previous year, marijuana and other unapproved prescription pills have gained more popularity, pushing the total number of drug offenses in 2017 (Organized Crime Department 2017).

Table 2. Murder rates, by selected countries, 2014

	Rate per 100,000 population
Japan	0.31
US	4.43
UK	0.92
Canada	1.46
France	1.24
Germany	0.89
Australia	1.03
New Zealand	0.91
Korea	0.74
Singapore	0.25

Source: UNODC (2014)

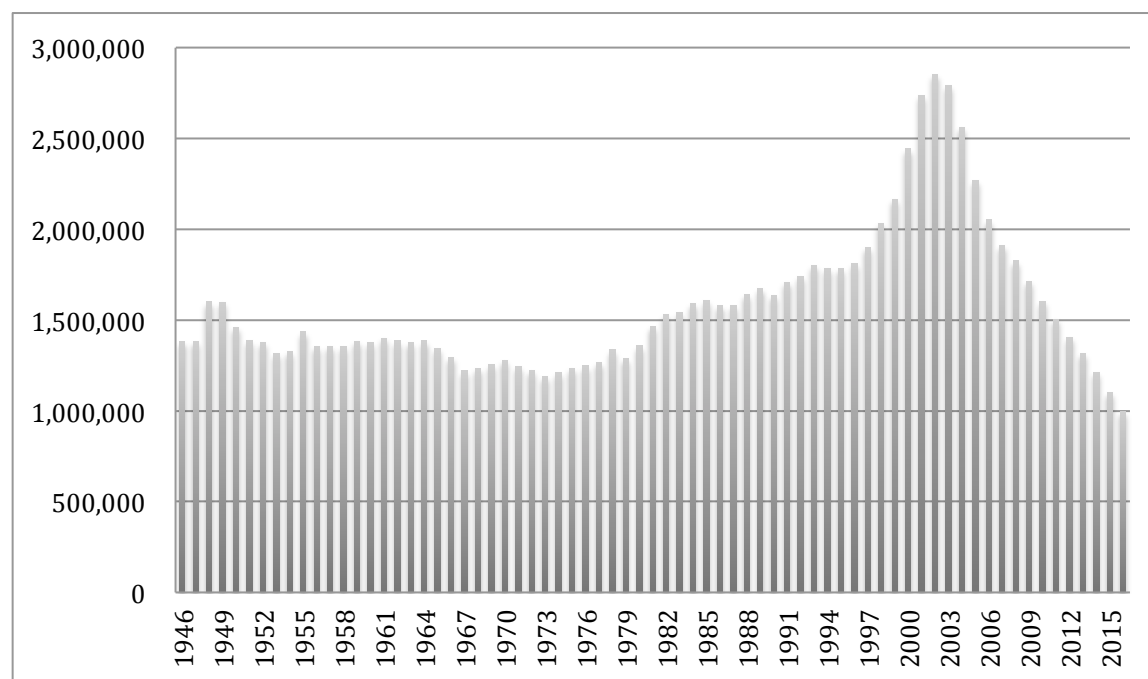
Table 3. Rates of adults brought into formal contact, by selected countries, 2014

	Rate per 100,000 population
Japan	190
US	4134
UK	N/A
Canada	1839
France	1845
Germany	2790
Australia	1727

New Zealand	4035
Korea	N/A
Singapore	369

Source: UNODC (2014)

Figure 1. Total number of incidents brought to the attention of the police in Japan



Source: Ministry of Justice (2017b)

Police

Japan has a national police system with prefectural police agencies operating under the National Police Agency. Administered by the National Public Safety Commission and the Cabinet Office, the NPA is responsible for undertaking administrative matters as well as regulating and overseeing operations of police agencies throughout Japan. There are seven regional police bureaus from Hokkaido to Okinawa, to which all 47 prefectural police agencies belong. Each bureau is headed by a director general, who supervises and controls prefectural

police within its jurisdiction, under the leadership of the NPA. Although prefectural governors and Prefectural Public Safety Commissions have authority over prefectural police departments to some degree, they are prohibited from intervening in investigative or law-enforcement efforts of the prefectural police (National Police Agency 2017c). Thus, even with a decentralized structure of prefectural police organizations, Japan's police system remains consolidated under the authority of the NPA and the National Public Safety Commission, hence Prime Minister. The rate of sworn-officers is 2 per 1,000 population in Japan, which is comparable to 2.4 per 1,000 population in the United States (Federal Bureau of Investigation 2016; National Police Agency 2017b).

Historical examinations of the Japanese police reveal that the centralized police system emerged out of the Western influence and the Japanese government's effort to maintain order in a state of turbulence. During the Meiji era when Japan was going through massive modernization to compete against the colonial powers, the government was faced with a need to create a legal system that matches its Western counterparts and a police force powerful enough to deal with rapid social changes. The result was a highly centralized police force with an authoritarian spirit and Confucian influence. With broad-ranging authority over sanitation, public health, firefighting, and construction, police became an integral part of Japan's social life. Police officers were, however, never considered as public servants. Rather, they existed as the means of political control and surveillance, even suppressing radicals as Japanese thought police, the Special Higher Unit (tokkō) (Parker 2001).

Because the police penetrate society more effectively than any other social institutions, the authoritarian Japanese police formed in the Meiji era had a long-lasting impact on the Japanese citizens' deference toward law enforcement (Parker 2001). During the post-war period,

the American Occupation sought to reform the nature, ethos, and structure of Japanese police. In an effort to democratize not only police but also the entire country, the Occupation limited the police duties to crime control and investigation, and dismantled the Special Higher Unit. Although many of these strategies of reform were successful, some areas of policing remained unchanged, as they were met with fierce resistance from the Japanese government. For one, the Occupation's effort to decentralize the police in Japan failed, leaving the system highly centralized to this day (Aldous 1997).

The recent image of Japan's police force in the international community has vastly shifted from the means of surveillance to the servants to the public. In the 1970s and 1980s when the United States was at the height of the crime boom, many American scholars and commentators turned to Japan and marveled at its crime control measures. Police boxes were introduced and became the target of celebration (Aldous and Frank 2000). Despite such "reinvention" of the Japanese police force in the West, the authoritarian spirit firmly remains with so many advantages granted by Japan's enabling legal system. Laws permit the police to investigate freely, with a power to stop and question a person solely based on a belief that the person has committed a crime. The use of "voluntary accompaniment" (*nin-i dōkō*) also enables police detectives to interrogate suspects without an arrest. While it is "voluntary", most suspects succumb to the pressure of the detectives who are culturally motivated and legally enabled to prevent the departure of the suspect. Another frequently used police tactic albeit its legal controversy is to arrest, detain, or search suspects for a different, usually minor charge to buy more time to investigate the original case. Although the Japanese legal environment is a hotbed for abuses of power, it does partially explain why police-civilian interactions in Japan are much less violent than in the United States; enabled by the system that widely favors the police, they

simply do not feel the need to resort to physical force (Miyazawa 1992).

Prosecution and the Courts

As the police gained authoritarian control during the Meiji era, prosecutors in Japan also were afforded with discretionary power to pursue or suspend charges. With this tool, individual prosecutors obtained almost as much power as that of a judge (Parker 2001). Thus, Japan's highly enabling legal environment indulges not only police but also prosecutors. Limited procedural protections discussed above generate a large number of suspects in custody, which results in the use of *daiyō kangoku* (make-shift detention centers within police jails). Japan indeed detains suspects longer than any other OECD countries (Croydon 2016b). This enabling judicial environment also allows prosecutors to rely heavily on confessions to charge. According to Johnson (2002b), "confessions *are* the heart—the pump that keeps cases circulating in the system" (p.243). With the limited access to counsel and the absence of tape recording during interrogation, suspects are vulnerable to intimidation, torture, and consequently, involuntary confessions. Moreover, while plea-bargaining is illegal in Japan, there is an abundance of evidence that it is practiced in Japanese courts. While it is practiced differently and less frequently than in the United States, prosecutors do pressure "uncooperative" defendants to confess in an exchange for a lesser sentence (Johnson 2002a)

Compared to the prosecutors who have almost complete control over how cases are investigated, presented, and tried in the court, defense attorneys have considerably less power in Japan. With a limited number of defense lawyers who are experienced in criminal defense work, most of the lawyers tend to conform to the decisions made by prosecutors, rather than challenge them (Feeley and Miyazawa 2002; Johnson 2002b). The relationship between judges and

prosecutors in Japan also remain largely uncritical. While judges do have the authority to put a restraint on prosecutors, they rarely exercise their power. Prosecutors and judges (and defense attorneys) also go through the same legal training and are all part of the Japanese courtroom culture, which emphasizes consistency and predictability. In fact, prosecutors know judges' behavior and thought patterns so well that they can predict the sentencing outcomes to get what they want (Johnson 2002b).

Thus, although the post-war criminal justice reform was supposed to make the system adversarial, Japan's judiciary still remains largely inquisitorial, maintaining the imbalance between the defense and the prosecution (Feeley and Miyazawa 2002). With the introduction of two forms of citizen participation in criminal trials—victim participation and the lay-judge system—Japan's judicial system may continue to consolidate more power for prosecutors, judges, and the police. The system of victim participation came into effect in 2008. It was prompted by the plea made by the National Associations of Crime Victims and Surviving Families and allows victims to not only deliver impact statements but also directly participate in trials (Saeki 2010). Another form of citizen participation, the lay-judge system, was launched in 2009. Previously criticized for being too distant and bureaucratic, Japan's judicial system now claims to be more “public friendly”, by allowing lay people to join professional judges in both fact-finding and sentencing decisions of serious cases including capital trials (Levin and Tice 2009; Supreme Court of Japan 2005). The original intention of the lay-judge system was to legitimize the court system by incorporating the voices of lay people. It was, however, found that lay judges are routinely “guided” by professional judges to reach an expected conclusion (Saeki and Watamura 2018; Vanoverbeke 2015). But the overall impact of the lay-judge system on criminal trials is unknown. While there are several procedural, organizational, and financial issues to be overcome

by defense lawyers, Johnson and Shinomiya (2015) remain hopeful that the introduction of lay judges would tilt the balance against police and prosecutors in the interrogation room and “toward the courtroom where oral testimony now takes precedence over the state’s construction of the truth as recorded in its voluminous dossier” (p. 37).

Correctional Institutions

In his comprehensive analysis of Japanese criminal justice, Johnson (2002b:200–201) consolidated the two conflicting views of Japan—one that saw Japan as lenient and benevolent and the other that was critical of that view—and argued that the criminal justice system operates within “the two realities.” Those who have committed first-time offenses or minor crimes, and those who have familial support and resources to fall back on are treated with “benevolence” and “leniency”; but individuals who committed repeat offenses and other serious crimes are likely to be treated with relative punitiveness. The determinants of these two groups are based not only on the seriousness of the offense but also the evaluation of the offender’s expression of repentance and willingness and capacity for self-correction. Thus, prisons, the last resort to deal with delinquents and deviants, are usually reserved for those who are deemed sinister, unremorseful, and the least self-correctable in Japan (Johnson 2002b).

Currently, Japan incarcerates 45 per 100,000 adult population, which is notably lower than 666 in America (World Prison Brief 2017). There are a total of 181 correctional adult institutions in Japan, comprised of 62 prisons, 8 detention centers, 8 prison branches, and 103 detention branches (Correction Bureau of Japan 2011). It has to be noted, however, that this statistic excludes the number of police jails used as substitute detention centers (*daiyō kangoku*) mentioned previously. Women prisoners currently comprise 8.3 % of the total adult prison

population and are housed in eleven female correctional facilities located separately or as an auxiliary branch to male prisons (Ministry of Justice 2017a). The Japanese penal institutions are guided and supervised by the Correctional Bureau and regional correctional headquarters, which directly report to the Ministry of Justice. There are 17,481 correctional officers, which amounts to more than 90% of the entire prison staff. Unlike most Western countries, the correctional officers in Japan have the double duty of providing correctional treatment and ensuring safety as well as enforcing regulations within the institutions (Correction Bureau of Japan 2011).

The penal institutions have received a fair share of criticisms from domestic and international observers. Describing the overall conditions of Japanese prisons, Human Rights Watch (1995) once reported, “the extreme fastidiousness of the rules enforced by the draconian discipline, the lack of human contact for extended periods of time, and the very strict limits on contacts with the outside and among prisoners, make the living conditions quite intolerable” (p. xiii). In 2006, a nearly century-old Prison Law in Japan was abolished and replaced with the Law Concerning Criminal Facilities and the Treatment of Sentenced Inmates. This was triggered by two separate cases of inmate maltreatment at Nagoya Prison, one of which resulted in death. Held accountable by the legislature and interest groups for these scandals, the Ministry of Justice and the Correctional Bureau were compelled to reform the Prison Law, which had been in place since the Meiji era (Croydon 2016a). The new legislation now allows inmates to have communication with persons other than their immediate family members and their attorneys via letters and visitations. It has also relaxed the restrictions on the types of goods that can be possessed, allowing inmates to own certain medication (Japan Bar Association 2007).

Despite these improvements made by the new law, there are areas that need further enhancement. Chief among them are medical treatment, capital punishment, solitary confinement,

disciplinary measures, and the grievance mechanism (Center for Prisoners' Rights 2013). Rehabilitation opportunities are also limited in Japanese correctional institutions, which are partially explained by the double duty of correctional officers to safeguard and rehabilitate offenders. The exception, however, is the four Private Finance Initiative (PFI) prisons. Unlike the profiteering private prisons in the United States, PFI prisons in Japan are operated by both private and public sectors and known for their innovative approaches to offender rehabilitation (Leighton 2014). Also, while these facilities are only open to offenders who committed minor crimes, staff members are separately assigned to the tasks of security, training, and treatment, enabled by the private-public collaboration (Correction Bureau of Japan 2011; Shimane Asahi Rehabilitation Program Center 2013).

Community Corrections, Supervision, and Reentry

As noted previously, Japan reserves prison sentences only for those who committed serious crimes, do not show remorse, and are unlikely to be corrected within the community (Johnson 2002b). Because such individuals naturally comprise a small number, Japan ends up relying heavily on community corrections to supervise most of the offenders. Those who showed remorse, made reparations, and overall seemed likely to self-correct are routinely diverted back to the community. In Japan, adult probation is relatively uncommon, as prosecutors and judges prefer to use suspended sentences than probationary supervision, as they assume living under the pressure of incarceration would compel individuals to self-correct (Johnson 1996; Johnson and Johnson 2000). In contrast to probation, parole is used much more frequently in the adult criminal justice system (Ellis, Lewis, and Sato 2011). Those who were sentenced for minor crimes and without previous criminal records are generally granted parole, while violent

offenders, drug offenders, and those who committed offenses associated with organized crime groups (even if it is the first time) are less likely to receive parole (Johnson and Johnson 2000).

Japan's inclination toward community corrections as well as the emphasis on self-correction has historical and financial roots. For centuries, lay people in Japan have assumed the responsibility of crime control but the inception of the current system of probation and parole can be traced back to the Meiji government that solicited volunteers to assist ex-offenders due to the lack of economic resources (Johnson and Johnson 2000). Thus, Japan's historic reliance on citizen involvement led to the creation of two types of officers in supervision: professional probation/parole officers (PPOs) who mainly carry out administrative work and volunteer probation/parole officers (VPOs) who engage in casework. The most common style of enforcing supervision is monthly visitations by probationers and parolees, which often take place at VPOs' own homes. It is strikingly less punitive than the American model, as the informal nature of the Japanese supervision results in a much smaller number of probation or parole violations and thus, less re-incarceration.

When the Japanese prisoners return to their communities with or without parole, the majority of them go on to stay with their family members. According to the Ministry of Justice (2017d), 57% of parolees and 29.7% of non-parolees listed their parents, spouses, siblings, and other relatives as their destination upon release in 2017. There are about hundred halfway houses that can accommodate 2,349 individuals throughout the country (Ministry of Justice 2015a). But it only amounts to less than 10% of prisoners released each year. In fact, close to half of the inmates who were not released on parole in 2017 listed "other" as their release destination, indicating having no designated place to go (Ministry of Justice 2017d). This occurs due not only to the mere lack of facilities but also their exclusivity; drug offenders, those with affiliations with

organized crime groups, and repeat offenders are usually not admitted to halfway houses (Kikuta 2002). In Japan, halfway houses are operated solely by private organizations. But because they are so financially reliant on the stable governmental funding that the governmental officials' decisions take precedence over those of the organizations in granting admissions (Miyazawa 1991). This, again, speaks to what Johnson (2002b:200–201) described as “the two realities” of Japanese criminal justice. Those who are deemed “worthy” and those with familial support and living arrangements are afforded with early release and reentry support. But individuals who were deemed “unworthy” are likely to be left without any access to rehabilitative or reintegrative support.

Juvenile Justice System

For many family members of law-breakers in this study, the line between juvenile delinquency and young adult crime was increasingly blurred. It is indeed difficult to distinguish those who persist in offending and those who do not, and because some youths do carry their criminal pattern into their young adult life, a brief explanation of the juvenile justice system in Japan is needed. With a series of amendments recently made to the juvenile law, it is also important to grasp the general direction that Japanese juvenile justice is heading, in comparison to the United States and other Western countries.

Persons under the age of twenty are considered as minors in Japan. The number of such individuals who have come into contact with the police has been declining since 2004, hitting the

historic low of 56,712¹ in 2017 since the WWII, which also closely parallels the trend for adult crimes (Ministry of Justice 2017c). Despite such statistics, several incidents of youth violence led Japanese society to believe otherwise (Dawkins and Gibson 2018). Similar to the American circumstance where the Columbine high school shootings became one of the triggers for the implementation of the zero-tolerance policies (Kupchik 2012), Japan has recently taken steps away from the medical and rehabilitative model of juvenile justice. In 2000, the first amendment to the juvenile law made it possible for prosecutors to participate in the family (juvenile) court hearings. This does not only mean prosecutors seized more power in the juvenile justice system but also children now can be tried in adult criminal court as early as fourteen years of age. Moreover, in 2008, the second amendment allowed victims, their families, and other individuals to observe either criminal court hearings or family court hearings, as long as they are authorized by the judge. These alternations are understood as the priority in juvenile justice shifting more to prosecution, punishment, and corrections, rather than rehabilitation and the protection of child welfare (Wakahoi 2012).

In Japan, the youths who were adjudicated can be sent to training schools or juvenile prisons. Another juvenile facility, classification homes are for evaluating juveniles for the hearing and ruling of the case. Depending on the findings at classification homes, the family court makes a decision to release the youth on probation or send him or her to a training school for rehabilitation. Currently, 8,056 people are housed in classification homes and 2,563 in training schools. The main purposes of training schools are education, rehabilitation, and reentry. As one can assume by the name, the nature of training schools is highly educational and the atmosphere resembles a school setting, as youths refer to the staff as “teachers.” The family court

¹ This number includes assault and murder caused by reckless driving and traffic accidents. Although adult crime statistics do not include these numbers, it makes sense to take them into account in juvenile delinquency, as traffic offenses are common among youths who are affiliated with the motorcycle gang (boso-zoku).

does not give fixed sentences but the maximum length of detention at training schools is two years (Ministry of Justice 2010). Juvenile prisons are for minors who were sent to adult court and sentenced to imprisonment. Thirty people who are aged sixteen to twenty-six are currently incarcerated in seven juvenile prisons located throughout the country. Juvenile prisons receive juveniles and young adults under twenty-six years of age who have committed especially serious crimes, such as offenses affiliated with organized crime groups. They are designed for vocational training in various fields and is said to be more rehabilitation-oriented than regular adult prisons (Johnson 1996).

Even though Japan's juvenile justice has gone through radical changes in the past decades, the system still remains relatively reintegrative. Scholars, legal experts, and interest groups are especially keen on halting the punitive shift in the Japanese juvenile justice system, learning from the examples of the United States and Germany, both recently turned away from the rehabilitative model. Today, their first and foremost task remains to prevent the legislature from bringing down the age of consent from twenty to eighteen (Wakahoi 2012).

Families between Two Realities

In Japanese criminal justice, the two realities and the emphasis on self-correction pervade throughout the system. Even among law enforcement, the style of policing that merely prods misbehavior and leaves individuals and communities to self-correct is prominent (Bayley 1991). The system of separating the “worthy” offenders from the “unworthy” ones and treating them with leniency might seem financially and socially beneficial in the short-run. But because leniency does not mean rehabilitation, it raises some questions about the ethicality of such a system. Those who were arrested for the first time but actually in need of rehabilitation and

treatment, such as first-time drug offenders, are automatically diverted back to the community until his or her addiction progresses. It seems cruel to simply release those with medical, financial, and instrumental needs without any help and punish them when they fail to correct themselves. It goes without saying that those who were deemed “unworthy” are relegated into the second-class status and experience multiple incarcerations without substantial help for rehabilitation.

Another point to be noted is that the families’ struggle will be prolonged all the while their kin tries to deal with their criminality and survive in the community on their own. The examination of crime statistics in this chapter showed that crime is rarely experienced by lay people in Japan. Lower crime rates, therefore, enable people to live without experiencing the need for acquiring a basic knowledge of criminal justice proceedings. Without any legal knowledge or professional help, family members of offenders are thrown into the world that they only know from the television shows at best. Sometimes they are forced to powerlessly look on their kin descend into the second reality of Japanese criminal justice. Japan’s emphasis on self-correction also justifies the government’s less spending on offender rehabilitation and thus, correctional responsibility is instead placed on the families.

CHAPTER 4: METHODS

Research Design

Rationale for Research Methods

I used feminist ethnography and in-depth interviewing to explore the realities of offenders' families in Japan. The main reason for selecting these methods comes from the past literature as well as my experience of conducting preliminary research. After interacting with potential study participants in the summer of 2012 and 2013, I came to realize some of the difficulties of studying family members of offenders in Japan. In need of research techniques that entail both academic rigor and human sensitivities, I turned to the literature on sensitive research and feminist methods. Lee and Renzetti (1990) argue that any research that concerns deviance and social control is a sensitive one, as it could have a significant psychological and legal consequences on the persons studied. Identifying potential risks such as "the loss of anonymity, fear of arrest, shame, embarrassment, and retraumatization", Beck and Britto contend that researchers can avoid jeopardizing participants through incorporating feminist methods, the ethics of care, and principles of restorative justice (2006:59). Using their contention as a point of departure, I selected a focused qualitative study with a feminist approach to study the lived experiences of offenders' families in Japan.

The power of a detailed qualitative study lies in its reliance on "[s]eeing, listening, and touching [as] primary sources of information about the world" (Miller and Crabtree 2004:185). In her study on the families of capital offenders in the United States, Sharp writes, "[t]he effects of capital punishment do not occur to statistics... Real humans are affected (Sharp 2005:23)."

Through direct interactions with research participants, qualitative research methods allow researchers to obtain valuable information while incorporating humanity and warmth in scientific knowledge making. Qualitative studies also enable researchers to obtain information that is otherwise unattainable. Through intensive interviewing, researchers could access the voices of those who are marginalized and document their perspectives and knowledge that are usually hidden in society (Hesse-Biber 2007). In sensitive research, participant observation is a particularly useful method in gaining entrée to the field for its unobtrusive and less threatening nature (Adler and Adler 1994). Moreover, by using observation along with interviewing, I was able to enhance the credibility of the current study through triangulation (Adler and Adler 1994).

There are various difficulties regarding sampling and recruitment in sensitive research. Due to the fear of stigmatization and jeopardizing personal security, potential study participants have great motivation to hide their characteristics that make them qualified as a research subject. Thus, it is extremely difficult for researchers to obtain the complete sampling frame (Lee and Renzetti 1990). Risks may be heightened among Japanese prospective participants due to the rarity of crime, making it even harder to achieve random sampling. Although some family support groups and organizations collect data on the families of offenders in Japan, statistics are nowhere near complete and thus, the possibility of conducting comprehensive quantitative research is extremely scant. Because qualitative methods are concerned with an in-depth understanding of phenomenon with small samples rather than generalization through large survey data (Hesse-Biber 2007), it is further demonstrated that a detailed qualitative study is more suitable than a larger quantitative study.

Crime ultimately becomes a women's issue once it intersects family life. The past literature on offenders' families in Japan and elsewhere has shown that an overwhelming

percentage of study participants are women. Hence, I used feminist methods to examine these women's realities that are hidden in the patriarchal world of crime and justice. While remaining critical (Fine 1993; Stacey 1988), I made my best effort to collect valid and reliable data through feminist ethnography and in-depth interviewing, which seek to avoid positivistic dualism, value women's own voices, and ultimately benefit women rather than exploit them (Reinharz 1992; Sprague 2005). Foremost, I was aware of the fact that my vision is located in specific social and physical places and is influencing the dynamics of the study (Sprague 2005). I also remained attentive to the significance of gender whenever I observed, interviewed, and interacted with offenders' kin (Reinharz 1992). By employing feminist ethnography, I was able to examine patriarchal assumptions of the state, criminal justice system, and society, when a crime is committed.

Organization Selection

During my preliminary fieldwork in the summer of 2012 and 2013, I located and gained entry to four support organizations throughout east and northeast Japan, in Tokyo, Kanagawa, Chiba, and Miyagi that specifically target the family members of drug addicts, juvenile delinquents, and those who committed other types of crime (i.e. violent crime, property crime, and sex crime). The reason for choosing these organizations was to diversify the participants of the study by covering a wide array of crimes committed and types of criminal justice contact. All the organizations held monthly family circle meetings. Upon receiving the approval from the UH Institutional Review Board, I attended these meetings throughout the twenty months of field research from January 2014 to August 2015.

The self-help group for families of drug addicts in Kanagawa is attached to a drug rehabilitation center that is located in the northeast coast of the Kanagawa prefecture. I chose this organization for its convenient location, sandwiched between the two biggest cities in Japan, Tokyo and Yokohama, as well as its relative smallness and intimacy compared to those based in the capital. The number of attendees was on average fifteen family members. The participants included the family members of former and current in- and outpatients as well as those who had sought help to the rehabilitation center regarding their kin and partners' substance use. I also started participating family circles at another self-help group in Chiba, located directly east of Tokyo, to follow several family members at the Kanagawa support group who simultaneously attended a few other family circles on the outskirts of Tokyo. The Chiba family support group was not a part of a drug rehabilitation center, although it maintained a close relationship with patients and staff members at several facilities in Chiba. Its scale was much larger than the Kanagawa support group with an average of thirty attendees.

With more than thirty branches throughout the country, the support organization for juvenile delinquents' families provides a broad range of support from family circle meetings to workshops and seminars to individual counseling. It is essentially a peer support group established by the parents of wayward youth and virtually the only organization in Japan that provides exclusive support for the families of troubled boys and girls. I mainly observed a subdivision for the family members of young adults who continued to offend from childhood to adulthood, in an attempt to grasp their experiences of transitioning between juvenile delinquency and adult offending. Those who participated varied from the long-standing members since the organization's inception to those who recently joined the group. Family circle meetings were held monthly in downtown Tokyo where people from not only the capital area but also various

neighboring prefectures attended. On average ten people participated these meetings monthly with the occasional presence of teachers, ex-probation officers, and those with experiences of working with delinquent youths.

I gained access to the family members of offenders who committed other types of crime through a non-profit organization that caters specifically to the families' various legal, social, and emotional needs. Based in Miyagi, the northeastern part of Japan, the organization hosts monthly family circle meetings in Tokyo and bimonthly in Sendai and Osaka. The participants are the family members of those who have committed serious crimes such as sex offense, assault, and murder. Because the families of serious offenders are largely neglected by any other social services, agencies, or NPOs in Japan, I deemed essential to include this organization as a field of study. Unlike the other organizations that are peer-support based, this NPO provides professional legal assistance, counseling, and case management by teaming up with several defense attorneys, psychiatrists, and other experts in the field. Thus, family circle meetings were only a part of the services that were provided by this organization. Meetings were divided into groups depending on the relationship to the offender such as parents, wives, and siblings and usually very small with five attendees on average.

Participant Observation

Setting

Because these organizations' meetings take place in either private or quasi-private settings, I obtained formal permission to observe and interview meeting attendees prior to participating any family circle (Lofland et al. 2005). These organizations usually hold 90 to 120

minute-long family circles on a monthly basis, and I attended them regularly during the twenty months of my field research. My purpose of attending family circles was three-fold. First, I wanted to familiarize myself with the attendees and vice versa. Building trust among not only the family circle participants but also staff members was crucial at this stage. Second, I wanted to use family circles as a place for selecting potential interviewees. Lastly, by sitting at these meetings, not only did I collect valuable information about the participants but also observe the ways in which they told their stories. I included in my field notes details of participants' facial expressions, body language, interactions among participants, different membership roles, and impressions of the atmosphere. Based on the information I gathered there, I used purposive sampling to select those who had any interactions with various actors in the criminal justice system due to their kin's crime. Then I contacted the family members and asked if they would like to participate in an interview.

Family circles are a protected place that allows family members to share their detailed accounts of criminal events that had affected their lives. Because of my regular presence in the circles, I was able to obtain a fair amount of information about each family prior to interviews. Hence, I was later able to avoid dwelling on the details of crimes committed, which could have been emotionally harmful to such at-risk, vulnerable persons (Beck and Britto 2006). A typical family circle would consist of an average of ten to fifteen family members, which are predominantly female—mothers to be more precise—sitting in a circle in a meeting room at a local community center. Usually, snacks and coffee or tea were served by some of the core support group members or organizing staff. To initiate the meeting an individual who selected as a facilitator would go over the ground rules. Attendees were reminded not to disclose any information outside the meeting and that they could skip their turn if they did not wish to speak.

They were also highly discouraged to advise, criticize, and crosstalk over others, which were the ground rules borrowed from self-help groups such as Alcoholic Anonymous and Narcotics Anonymous. This was often expressed in Japanese as “*iippanashi kikippanashi* (talk, listen, and leave it at that)” and attendees were encouraged to focus on merely speaking and keeping their ears open to others. Note taking was another matter that attendees were barred from, for the purpose of protecting the privacy of others. Being complaisant, I neither took notes nor recorded any of the family circle meetings or other informal conversations I engaged in with attendees. Thus, I always took extensive field notes immediately after each family circle. In total, I sat in on these circles for more than 143 hours during the twenty months of my field research.

In addition to listening to their thoughts, feelings, and insights, I let my informants know my background and intentions of attending family circles to openly conduct research (Lofland et al. 2005). As they go around the table, at my every turn I briefly introduced myself as a graduate student at the University of Hawaii who is studying about the family members of offenders in Japan. I willingly disclosed more information about myself and had a countless number of informal conversations with the meeting attendees during a break or after a circle, which was extremely useful in building rapport. Although there are debates regarding the closeness in conducting feminist ethnography (Reinharz 1992:67), the notion that helped me in overcoming this dilemma was reciprocity. I willingly attended workshops and lectures about family life with the participants and openly shared my thoughts and feelings about my own family, recognizing myself as a learner just like other attendees. Sharing understanding of one another's lives resulted in not only building rapport but also friendship. Moreover, I participated in a play created by the parents of juvenile delinquents and performed the role of the delinquent protagonist's sister, which was as close as one can get to experiencing the families' agony.

Thus, while maintaining the role as an observer/listener due to the particular setting where anonymity extremely is valued, I remained open to intimacy (Reinharz 1992:68). It is important to note, however, that although I exchanged numerous informal conversations with the family members and became quite close to most of them, I was extremely cautious not to disclose any personal information about other family members that I gained through field research. There were also times when family members sought my advice or opinions. Other than when I was asked to speak about the criminal justice system and the situations surrounding families of offenders in the United States, I simply let them know that I do not possess any specialized knowledge or skills to advise them but I was more than happy to sit down and listen to their stories.

Sample Selection

I used purposive sampling in this study, which is a common sampling technique used by many social scientists who study the family members' lived experiences involving crime and imprisonment (Beck, Britto, and Andrews 2009). The first criterion for selecting the sample out of family circle attendees was the experience with the criminal justice authorities. I only selected those who had experienced at least an encounter with the law enforcement due to their kin's deviance or delinquency, such as police investigation, interrogation, and ultimately, arrest or incarceration. At these family support groups, people refrained from coming as they wished, especially when their situation seemingly improved or their daily obligations prevented them. Some resumed attendance after a period of absence when they found the time, saw their situation got worse, or wanted to share their "success" stories. But others never returned during my field research. Thus, the second criterion for sample selection was attendance. I included in my study

only those who attended the family circle at least three times during my presence to obtain a sufficient amount of their accounts and to keep track of possible changes of narratives over time.

But to avoid selecting only veterans as participants of the study, I also actively sought those who have recently joined the group to diversify the sample. I noticed, however, in the early stage of data collection that those who recently discovered their kin's crime commonly had a difficult time sharing their feelings and thoughts, let alone agreeing to be interviewed. At the first few family circle meetings, the new attendees often looked emotionally overwhelmed and some even burst into tears without saying a word. In order to avoid retraumatization and exploitation of the family members (Beck and Britto 2006) who are at the initial shock state (Condry 2007), I excluded the newcomers from the list of possible interviewees. Instead, I relied on participant observation, an unobtrusive and unthreatening method (Adler and Adler 1994), to collect the narratives of the new attendees. By using participant observation in conjunction with interviews, I was able to avoid skewing the study's results by merely including the accounts of long-term attendees. Out of who have been regularly participating in the family circles and seemed ready and willing to share their experiences, I asked if they would like to participate in interviews.

In-Depth Interview

Sample Selection

As stated previously, building trust among family members by attending family circles was my initial stage of selecting the sample for interviews. After participating in several meetings and making sure that they fit the criteria explained above—experience and attendance—I approached those who seemed comfortable to share their stories with others. Most agreed

instantly as I asked about the possibility for an interview. Their major reason for participating in an interview was their strong desire to support others who are suffering in the similar situation by spreading the knowledge. But for those who showed hesitation, I made it clear that the interview was completely anonymous and voluntary by handing out and explaining the consent form. Some never contacted me but others agreed to be interviewed a few family circle meetings later.

Setting

If they agreed, the interviewee and I exchanged phone calls and emails prior to the interview, to carefully select a location where the family member would feel safe, comfortable, and familiar enough to share their stories and insights. On many occasions, we sat in public spaces such as restaurants and coffee shops that were close enough to their home, work, or the place family circles were held each month. In public settings, I made sure that there was enough room between us and other tables to increase a sense of privacy. At times, interviewees invited me to their homes when other family members were not present.

The interviews took the form of intensive interviewing, which encourages participants to reflect on earlier events and share their significant experiences as experts (Charmaz 2006:25–27). It was semi-structured and thus, there was no fixed set of questionnaire, although I had specific ideas about what I wanted to know (Hesse-Biber 2007). Those concepts include the interactions with the authorities, society and the media, stress and emotions, and the gendered world of offender-support activities. Based on the observational data I gathered previously, I was also able to adjust my interview guide accordingly and avoid dwelling on the details of crimes committed, which could have been retraumatizing for some family members (Beck and Britto 2006). I asked broad, open-ended questions that covered a range of topics that related to their

lives before and after their kin's crime. I usually began the interview with the less invasive type of questions, such as "how did you come to know the group/organization?" or "for how long have you been coming to the family circle?" while having the minimal control over the direction of our conversation. If respondents seemed nervous, I often engaged in informal conversations to loosen them up before we started discussing more central subjects. When interviewees focused too much on telling about facts, I used different types of probes (Hesse-Biber 2007) rather than direct questions to solicit their thoughts and feelings about the significant criminal justice-related events they had encountered (Charmaz 2006).

Prior to conducting interviews, I explained to all the family members the purpose of my study and that this study is completely anonymous and voluntary. I also reminded all interviewees that there was no need to feel obligated to answer every question I ask, and that they have the option to skip the questions they did not wish to answer. On average, interviews lasted for two to two and a half hours. With interviewee's permission, I recorded every interview with a digital voice recorder, except for two occasions when interviewees wished not to be recorded. In those cases, I asked for a permission to take notes during the interview and I wrote detailed field notes afterward, elaborating on what I had jotted down during our meeting. All interviews were conducted and transcribed in Japanese. The study participant's quotes were also translated from Japanese to English by the author whose first language is Japanese, retaining the speaker's exact tones and nuances.

Sample

Fifty individuals whose kin has been suspected, arrested, or convicted for various types of crime are included in this study. Out of the 50 family members I initially observed at family

circle meetings, I was able to interview 31. Study participants include 34 mothers (68%), 7 wives (14%), 6 fathers (12%), and 3 sisters (6%), which reflects a clear predominance of women in the field of prisoner and offender support activities (Comfort 2008; Condry 2007). On average, 75% or more family circle attendees were women in this study. All participants were of age 35 and up and the eldest was in the late-70s. More than half of women were working or have just started to work full time or part time during my field research. The rest were either housewives or receiving a pension. All men except one were working full time. Thirty-four family members (68%) experienced their kin's incarceration, including juvenile prisons and training schools (7 parents), and all except for five family members (90%) experienced their kin's arrest. Table 4 shows the types of crime that the participant's kin were arrested for, which varied from sex offense (28%), drug offense (22%), fraud (10%), property crime (8%), murder (8%), assault (6%), other (4%²), and unknown (4%), with no arrest (10%). The offenders were predominantly male, with only five women (four daughters and one sister). Of those, two committed drug offenses, two property offenses, and one violent offense. These are the most recent crimes committed by the offenders that the family members could recall.

Table 4. Types of offense committed by kin

	Number	Percentage
Sex offense	14	28%
Drug offense	11	22%
Fraud	5	10%
Murder	4	8%
Theft	4	8%
Assault	3	6%
Others	2	4%
Unknown	2	4%
No Arrest	5	10%

² Other includes vandalism (2%) and criminal threatening (2%).

Total	50	100%
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Research Limitations

Because this research draws the sample from the family support organizations, it excludes the families who are unwilling or unable to reach out for help. All individuals included in this study are showing at least some level of concern and willingness to care for their kin. Thus, the accounts of those who may not wish to support their apprehended or incarcerated kin are left out in this research. With an increasing number of the aging population in correctional facilities in Japan, it is assumed that the majority of prisoners have lost contact with their family members due to death or an extended period of separation. Therefore, this research also lacks the accounts of those who are unknowledgeable about their kin's offending. By and large, this study cannot be generalized to the entire population of those whose kin has committed a crime. However, in the course of data gathering and analysis, similar themes surfaced, which led me to believe that there are patterns that do occur. Moreover, the limitations of this study suggest a possibility for future studies on the family members of offenders who have rejected or lost ties with their law-breaking kin. Examining the relationship between prisoners in Japan and their family members, or the lack thereof would shed light on the intersections of family life, crime, and punishment.

Strengths of the Research

The past research on the families of lawbreakers in Japan is limited both in terms of quality and quantity. While previous studies are solely based on interviews, which are subjective

in nature, this study uses participant observation to add another source of data for enhancing credibility (Adler and Adler 1994). Participant observation is also crucial for collecting the narratives of those who would not have agreed to participate in interviews. In particular, studies based entirely on interviews may lack the accounts of the family members who are going through the initial shock and may be unwilling or unable to share their experiences with others. Another strength of this study is the size and diversity of the sample, including the family members of prisoners, arrestees, sex offenders, juvenile delinquents, and substance abusers. The majority of Japanese scholarship on the families of deviants has an extremely limited sample and examined only the *serious* cases of criminal offenses that resulted in confinement. Less is known about the family members of those who had committed a misdemeanor, while a vast majority of criminal cases are routinely dismissed or dealt with probation and other alternatives to confinement. Furthermore, virtually no qualitative research is done about the family members of drug offenders in Japan although scholars strongly argue that examining routine cases such as drug offenses, bar brawls, and prostitution is critical, as they are often mistreated in the shadow of celebrated cases (Bach 2010; Feeley 1992). Thus, by incorporating the narratives of diverse research participants, not only does this research generate new knowledge but also enable to draw a comparison between different types of offenders' families.

Data Analysis

After transcribing the interviews, I sorted all the transcriptions and field notes based on individual participants to keep track of all the accounts made by the same person over time. This enabled me to follow the narrators on an individual basis and recognize any changes in their mental state as well as the views of the criminal justice authorities. On top of categorizing the

sample's age, occupation, relationship, and their kin's age, I classified all the narratives based on their support group membership as well as the case's current status in criminal proceedings. Because this study involves the rare and hidden population involving deviance, maintaining the confidentiality of data was especially important (Lee and Renzetti 1990). During this process, the names of the study participants were replaced with pseudonyms to protect their identities. While transcribing interviews, all the recorded audio files were kept on an external hard drive with a password to safeguard the interviewees' identity. Once transcribing was completed, the files were deleted as guaranteed in the consent form. The transcribed interviews, as well as all the field notes transferred into Word document, are kept in a USB thumb drive, which is protected by a password. The actual field notes are kept in a locked cabinet as specified in the consent form.

This study is grounded in the literature on prisoners' families, the collateral consequences of incarceration, and informal sanctions. These three kinds of the literature helped structure the interview guides and initial data analysis. In the initial stages of my analysis, I coded the interview transcripts and field notes for the families' relationships to the offender as well as the criminal justice system, paying close attention to the offenders' accused crime, their historical involvement in the criminal justice system, and their current status in the criminal justice procedure. As new ideas and themes emerged, the original coding scheme expanded (Charmaz 2006; Corbin and Strauss 2014; Glaser and Strauss 1967). Line-by-line coding revealed repeated concepts such as "condemnation from the family and relatives", "verbal attacks from neighbors", and "anticipated community disdain". Using axial coding, I then teased out the analytical codes, such as "perceived stigma", "actual hostility", and "techniques to overcome negative societal reactions by linking similar themes. To enhance the study's validity, throughout data collection

and analysis I reviewed and revised the analytical codes and the interview guides to verify my interpretations with the study's participants and practitioners (Charmaz 2006; Lofland et al. 2005).

CHAPTER 5: AGENTS OF CONTROL

Encounter with the Law

The recent studies of family members of offenders in the United States revealed that their experiences of interacting with the criminal justice system start at a much earlier stage than imprisonment of the offender (Braman 2007; Fishman 1990). When an individual's law breaking comes to the attention of law enforcement, family members are usually among the first ones to acknowledge it (Comfort 2007). The consequences of coming into—often times unannounced—contact with law enforcement, however, are scantily documented in the literature (Koehler et al. 2003). In the present study, none of the family members reported any previous history or signs of crime in the family (although there were some reported cases of alcoholism and domestic violence). Moreover, all participants of this study were of the lower-middle to upper-middle class background with fairly respectable social standing. Thus, crime was something completely new and foreign to most family members until it became apparent that their kin had offended. Condry (2007) argues that after the discovery of kin's crime, the relatives go through the "initial impact", which is characterized by external events, intrapersonal processes, and interpersonal processes (p. 41). In this study, twelve family members reported that the arrest came as a shock. Some even wondered if it was a new type of scam when they received a call from the police.

Moreover, ten of them expressed developing fear or anxiety of picking up the phone, answering the doorbell, and seeing a police car, after having frequent and unpredicted contacts with the police. Noriko, whose son had a history of juvenile delinquency but was arrested for fraud as an adult recalled:

On top of phone calls, I also got scared of the sound of the doorbell, *in the morning!* They come in the morning, the police. Oh, how I was scared. It is around seven in the morning [that they ring the bell]. Nobody usually visits anyone that early in the morning, right? But that's when they come.

She added that she was also sensitive about phone calls and doorbells because she wanted to minimize the contact between law enforcement officers and her daughter, who was a middle schooler at that time. Despite Noriko's effort her daughter wound up picking up the phone from the police once, experiencing house searches at least three times, and witnessing her brother's arrest at home twice. In his study of families of prisoners in the Washington, D.C. area, Braman (2002) similarly documents the case of a child witnessing her father's arrest at home. He notes that witnessing the police violently hunt down her father in front of her had a detrimental effect on the child's psychological well-being, which eventually led to the child's negative attitude toward schoolwork. Although there were no visible signs that Noriko's daughter was experiencing difficulties at school, Noriko felt a great need to shield her daughter from police investigations, which further added to Noriko's psychological distress.

During another interview, Machiko's cell phone rang. Getting slightly tense, she answered the call immediately. It turned out to be a wrong number but as she hung up the phone she remarked:

My heart skipped a beat. I still get like this when I receive phone calls. In my head, I know that [my son] is in the rehab doing fine. But whenever I receive calls, I cannot help but think he might have done something again.

Constantly fearing criminal justice contact takes a toll on family members' psychological wellbeing. Kiyomi explained that she had to step in and completely take over her husband's role as a liaison between the accused and the criminal justice authorities. She said, "I was afraid that he would have a nervous breakdown, going through such angst every day at the workplace where nobody knew about our son's crime." These accounts demonstrate that family members who

reside with offenders at the time of the arrest also become the virtual target of “the same processes and regulations as the supervisee, inspiring feelings of being intruded upon, monitored, and controlled” (Comfort 2007:277), despite their legal innocence.

Another instance where families experience intense interactions with the law enforcement is when they find themselves caught in pre-arrest investigation. Goffman’s (2014) ethnography on African American youth in Philadelphia found that the police frequently turned to kin and intimates to obtain information about suspects who were on the run. Although much less violent than the American counterparts depicted in Goffman’s work, the present study revealed that the Japanese police frequently exploited family ties to investigate and collect evidence, especially in organized crime cases. Kohei, whose son had been a member of *yakuza* and spent three years in prison for his involvement in fraud, explained how he helped the police after he was persuaded to do so for the benefit of his son and consequently for the family:

MK: What were the police like?

Kohei: Well, they more or less took advantage of my position [as a parent] and asked me to have my son’s friends and associates over at my house to let them talk. Yeah, they asked me to cooperate on things like that. So, I invited them and had a chat. They brought over their girlfriends, too. As I was talking to them, detectives were in the room next to us, as well as outside, waiting. I go, “Well, I actually asked you all to come because I wanted to help my son as a parent. I was asked by the police to see if the detectives could speak to you. Then I say, “They will show up here once I give them a call.” Their faces turn pale, of course. They go, “What?” But when I asked them again, they were like, “Ah... Ok.” Then the detectives came in, and they all went to the police station. ...I did think about it [whether or not to cooperate] for a while, though, yeah. But fortunately, none of them got arrested, yeah.

Noriko was also asked to inform the whereabouts of her son for interrogation by the police. Once she voluntarily went to a friend’s house where she successfully located her son and let him know that the police were here. But on another occasion, shortly after her son’s urine test, she was asked by the police to call them once her son came home because “it was dangerous [for you and your family] because he tested positive for drugs.” Extremely distressed and unsure of what to do, one night she caught her son sleeping in his room. She recalled, “It was rare to see him at night at

home like that, sleeping so soundly. And once I saw his face, there was no way I could call the police.” These instances demonstrate a pressure for families to turn into a “snitch”, which causes internal anguish and distress among suspects’ kin (Goffman 2014). Steinhoff (2008) notes that the Japanese police in the 1960s also used a similar tactic to obtain information about arrested student activists and their associates, a strategy carried over from the *Tokko* (Special Higher Thought Police) in the prewar era. The present study indicates that such a strategy is still in use among police detectives in contemporary Japan. With little to no regard for emotional consequences on the family members, the law enforcement often successfully persuaded them to cooperate, by taking advantage of their ignorance about the law as well as their familial bond to the suspect.

As opposed twelve families who were shocked by the encounter with the police, roughly two thirds of the families reported that the arrest came as no surprise. This was because either they were the first person to contact the police, as they witnessed the previous signs of their kin’s law breaking, or they grew accustomed to police arrest, due to the long history of their kin’s criminal involvement such as addiction. The lack of other social services available or known to the family members compelled them to seek help by calling the police. Nine family members stated that they were anticipating or even hoping for the arrest of their kin. In many drug related cases, family members had started witnessing suspicious behaviors of their kin long before it came to the attention of the police. Some family members even suffered from physical abuse by their kin who were acting out under the influence of a substance. Feeling the desperate need of help, they took it upon themselves to dial 110. Miyako, the mother of a 41-year-old drug addict who had been in and out of prison, spoke of her experience of calling the police twice on her son who was then acting out. With teary eyes she said:

I called... I mean we knew he was using it. He was crazy. And he didn't listen to anything we said, and it was too late when he had injured some... others. It was too late when something had happened, so I called the police. It was so, so hard. Really. [The police] asked, "Is he home now?" so I said, "Yes." Then they showed up in a group of about five or six people. I snuck out of the house and went to the other side of the field and hid. But I could hear my son yelling from his room on the second floor, "Mom! Mom!" So, I don't know, I just covered my ears like this [*covers her ears with both hands*]. But I couldn't leave either. I wanted to be near him. Yeah, it was very hard, just remembering it. I thought to myself, wow, I even have to go through things like this. Yeah, [calling the police] was the hardest thing for me.

Hideo, a father of a 25 year-old who was arrested for the possession of methamphetamine, recalled that he called the police twice because he thought his son's "life was in jeopardy."

Haruko, whose teenage daughter has been abusing methamphetamine, reported that both her and her husband had taken their daughter to the police twice to have her arrested. These accounts of parents demonstrate their desperate need for social services in Japan that could provide appropriate care and advice *before* problematic behaviors come under the radar of the law enforcement. As much as the family members did not wish their kin to be apprehended, they were compelled to do otherwise to save not only the lives of their kin but also of their own.

Comfort (2008) argues that some of the wives and partners of prisoners in the United States are entangled in the mix of inadequate social services and a powerful penal system, which leaves carceral control the only way to address men's criminality, abuse, substance use problems, and other social, financial, and health issues (p.163-182). This system failure is also faced by many families of death row inmates in the United States (Beck et al. 2009). Similarly in Japan, the present study reveals that the system of control serves a function of providing relief and security for troubled families when social services are invisible or non-existent. The inaccessibility to substance abuse treatment facilities, interpersonal violence programs, and family counseling contribute to making the police the only venue for family members to seek help and support.

Interactions with the Courtroom Workgroup

As mentioned above, prior to their kin's wrongdoing, all participants of this study were leading a life that was completely void of involvement with the law. Thus, when they suddenly face the complex criminal justice process, they often feel at a loss (Christian and Kennedy 2011). Eleven family members in this study expressed such concern. At family circles, they often explain their situations in a great detail and conclude by saying, "I don't know what to do." Moreover, I observed two occasions where family members bewilderingly asked other family circle attendees about the existence of parole/probation officers. On another occasion, a wife hesitantly admitted her past ignorance of public defenders at the time of her husband's arrest. This gross lack of basic knowledge about the criminal justice process places family members in an incredibly disadvantaged position within the power dynamics of the courtroom workgroup.

According to Eisenstein and Herbert (1991), the courtroom workgroup includes defense attorneys, prosecutors, judges, and to a lesser degree, defendants, who work together to "do justice." Amy Bach's (2010) compelling critique of the American judicial system reveals the customary practice among judges, prosecutors, and defense attorneys to promptly settle cases with plea bargains. According to Johnson (2002b), such teamwork is as prevalent in Japan. The difference, however, is that Japan's prosecutors exert enormous power to firmly follow the established norms at criminal court by dominating police, judges, and defense attorneys. And the family members of the accused often get caught in their effort by providing testimonies that fit the workgroup's (or rather prosecutors') objectives, which are largely truth-finding, appropriate charging, remorse-invoking, and rehabilitation and reintegration (Johnson 2002b). This pressure to cooperate is felt strongest by families when they are called in to testify as *jojo shonin*.

The role of *jojo shonin* is quite similar to that of character witness in the United States. They are to attest to the defendant's moral character and "to promise to 'supervise' (*kantoku suru*)" (Johnson 2002a:150) him or her behavior after release. When the defendant has already pled guilty, assessing character evidence becomes a crucial part of Japanese trials, for it can greatly influence the sentencing outcome (Ishimaru et al. 2005:12). With no prior knowledge or experience of trials, family members often feel fearful of taking up this role. Four mothers reported such a feeling and one of them noted that she even lost five kilograms during a lay-judge trial of her son's sexual assault case. Nonetheless, most family members are compelled to testify in front of the judge, recognizing intense pressure from defense attorneys as well as their accused kin.

When a family member appears at trial as *jojo shonin*, the defense attorney asks if the defendant would be under a proper supervision so he or she would not commit a crime again. Then prosecutors and judges cross-examine the family member if he or she would be capable of providing such supervision. Kohei, who appeared in court as *jojo shonin*, recounted his experience of being questioned by the prosecutor as follows:

Kohei: ...It was indeed painful when the prosecutor told me, "Well, your son has been in the juvenile detention center once when he was sixteen." Yes, it was true. He was in it. Then the prosecutor went on and said, "Since then your son's behavior has just worsened. You really can't supervise him, *can you?*" That was... hard. I thought, maybe from the eyes of prosecutors it was right. As a parent, I thought, what the prosecutor told me was right. When he said that, the feeling that I have suppressed came over me, and I couldn't say anything to defend myself. I couldn't say, "No, that's not true."

MK: What kind of feeling came over you?

Kohei: Well, the feeling that it is the parents' responsibility, and that is how society will see it.

Similarly, in Noriko's case, not only did prosecutors criticize and comment on her and husband's way of parenting but also defense attorneys, social workers, and police officers told them that they were at fault for their son's wrongdoing. Moreover, Miyako, Teruyo, and Yasuyo all

reported that, at some point in the criminal justice procedure, they were blamed and told that it was their fault that their adult sons had committed crime. This is understandable considering the fact that the prosecutors who dominate Japan's criminal court put rehabilitation and reintegration as one of their most important objectives. The way this is achieved, however, is only through moral instructions and lenient sanctions, which do little to actually rehabilitate offenders (Johnson 2002b). As moral instructions most often come from parents and leniency implies self-correction in communities, the families of offenders are by nature expected to cooperate with the courtroom workgroup who seek offender rehabilitation.

Most family members succumbed to this pressure, as they feel powerless with no knowledge of criminal law. More informed families, however, actively avoided to become a cog in the routinized criminal court procedure. Katsuko, Satomi, and Miyako all have sons who are drug addicts. Attending Nar-Anon and family support groups, the three women have been rigorously learning about addiction and the ways of recovery for their sons and themselves. The support groups for the drug addicts' kin are different from the support groups for other crimes, for the families are equipped with the language, knowledge, and conceptual tools to frame their kin's behavior. Codependency is one such tool and is a prominent rhetoric to make sense of addiction. As Borovoy (2005) puts it, "The language of codependency allowed women to express tensions in family and public life that had previously been difficult to articulate" (p. 24). Thus, when they were asked to appear at trial and testify as character witness, they all refused to do so, as a part of "cutting off" (*tsukihanashi*) or "detaching with love" (*ai aru tsukihanashi*), a widely used strategy in the addiction community to end codependent relationships.

Satomi, who had been attending Nar-Anon meetings for a decade by the time she experienced her son's first arrest, explained that when she had initially said that she wouldn't

testify in the court, the public defender referred to her as heartless (*tsumetai*). In Katsuko's case, although she originally refused to testify as a witness (because it was "complicated and frightening"), she still wound up appearing at court. Katsuko, who had kicked out her son as part of "*tsukihanashi*" long before the arrest, explained how she was caught between the defense lawyer's demand to act as a caring mother and her determination to cut off her drug-addicted son. She recounted:

The defense lawyer tried to make me say [that I would take care of my son] in front of the judge again and again. But if I said so, that's the same as me saying he could come home. So, I got really torn listening as the attorney spoke. I still did not say it. Then in the end the attorney himself started saying things like, "You *will* look after him at home, won't you? That's what you mean, right?" But I did not say yes [*laughs*]. Of course, I couldn't say no but I didn't say yes, either.

For the defense attorney, the information that addiction cannot be cured by familial affection had no value to his proceeding needs. But as a mother who has been witnessing her son's struggle with addiction, Katsuko believed that it should be communicated to the judge that her support might exacerbate his addiction. In the end, she thought that the judge understood her claim and her son received a suspended sentence.

Satomi's and Katsuko's accounts reveal the legal experts' ignorance of drug addiction as well as the institutional expectation for family members to cooperate in its concerted effort to follow the established judicial routines. Assumed to be the most suitable and convenient figures to provide supervision and moral guidance to offenders, family members are compelled to play the role of watchdogs – or de facto probation and parole officers with no specialized knowledge, skills, or experiences of offender rehabilitation. While prosecutors believe in the importance of corrections in Japan, they seek rehabilitation in a selective manner. First-timers, for instance, are usually given suspended sentences and released without any practical rehabilitation measures (Johnson 2002b). While it is a celebrating fact that Japanese prosecutors believe prison should be

the last resort, this could be the beginning of nightmare for families, as offenders are not diverted or referred to the suitable rehabilitation programs. Families are left alone in society with troubled kin until they commit more serious crimes and are dealt with much harsher sentences such as incarceration, which could further exacerbate their addiction problem and delay their recovery.

Experiences at Correctional Facilities

When the participants of this study discuss prisons, jails, and juvenile training schools, their views represent complexity and ambivalence. As opposed to generally negative images of the prison system in the US and the U.K., such as racist (Wacquant 2001), criminogenic (Alexander 2012), and socially detrimental (Clear et al. 2001), in this study, some families even appreciated incarceration. Out of 33 family members who experienced their kin's incarceration, the majority of the family members demonstrated a very mixed way of appreciating their kin's confinement. As documented in Comfort's (2008) and Christian and Kennedy's (2011) works, family members in this study reported that they felt a sense of relief when their kin was imprisoned. Ryoko, whose son has been imprisoned for assault, demonstrated such sentiment by saying, "In the letters he says he wants to get straight when he comes out. He may think so now but when he gets out, I'm afraid he would make the same mistake again. To be honest, as a parent, I am relieved now [that he is in prison]." Haruko, whose teenage daughter had been abusing methamphetamine and suffering from eating disorders, explained her feelings during her daughter's incarceration in the following:

I did feel sad when I saw her handcuffed behind her back at the court. But I couldn't stay alive if she was [living] with me [*kono ko ga itara ikite irarenai*]. So the fact that she would be in the juvenile training school made me feel that I could live a little longer. ... When I learned that there was a higher possibility of recidivism for meth users I got so depressed. I thought, if only she could stay in the juvenile training school for the rest of her life. But of course, it's impossible.

The fear of recidivism was one of the most frequently discussed topics by the family members. It was even more amplified for the family members of drug offenders and sex offenders. However, at the same time, family members made efforts to believe in the “possibility that after incarceration [the offender] would desist from criminal activity” (Christian and Kennedy 2011:391).

Eight parents demonstrated their belief that spending time in prisons and juvenile detention centers was indeed beneficial for their children and that it would teach them a good lesson. At a family circle, Kiyomi spoke of her 28-year old who was serving time for attempted murder as follows:

On one hand, I feel bad for my son. But on the other hand, after the ten years of dealing with him and seeing him during the trial, of course I feel sorry for him but at the same time, I think this [prison] time was necessary for him. He has two sides almost like Mr. Jekyll and Dr. Hyde, and he has been swinging from one side to another. So I think this was really needed for him. God slammed on the brakes for him. I really think it was more of a necessary thing.

Such perspective was more common among the family members who had been witnessing their family members’ long-term law- breaking behavior prior to arrest than those who had not.

Whether it was indeed beneficial to the offender or not, the belief that the time spent behind bars is not completely useless was important for family members to maintain a positive mental state.

However, this rather naïve image of the prison as a place to foster penitence and desistence, was shattered when an ex-con came out of the prison with a completely unexpected result. Kaori, whose substance-abusing son was imprisoned for an assault charge, said that during the tumultuous sixteen years of her son’s addiction, she felt the most shocked and enraged when she found out that her son had developed an addiction to prescription drugs inside prison. She recounted, “I personally experienced my son going to the prison thinking that he would get better and not actually getting even worse. I was like, it’s unforgivable!” Her account parallels what

Sharp refers to as “a cycle of raised and diminished hopes” (2005:54), the phases of bargaining and frantic activities that the family members of death row inmates go through to save their kin, only to find they have grown disillusioned with the criminal justice system. Although to a lesser degree, the present study suggests that the family members of those who committed a less serious crime also experience a cycle of hope and despair, possibly resulting in diminished efficacy of corrections.

As family members have been assigned the roles of scapegoats and watchdogs by the legal experts in court, they are likewise expected to play the role of caregivers for their confined kin. Because Japan’s correctional system puts an enormous amount of restrictions on prisoners’ conduct, from reading books and magazines, to wearing clean underwear, to maintaining hygiene (Hayashi, Kitamura, and Natori 2013), family members are often drawn into fulfilling various requests of their imprisoned kin³. Indeed, the majority of family members with their loved ones behind bars discussed their current or previous routine of writing letters, visiting prisons, and sending in goods and money. Moreover, because convicts are sent to prisons depending on their classification such as the length of prison sentence, family members are required to cover the cost of travel every time they make a prison visit to a remote place where their kin is serving time. Noriko and Kazumi expressed frustration for not being able to see their sons as much as they would like, due to the financial constraint on buying plane tickets and renting a hotel room (see for example, Christian 2005 for the costs of prison visitation on families in the United States). Five family members including Noriko and Kazumi said visiting prison was something that they look forward to, stating being able to talk to the family members face to face as one of the major reasons. It was evident, however, that they also made a conscious effort to make the

³ For the detailed activities carried out by support groups and the family members to provide legal, material, and emotional assistance to political prisoners in jails and detention centers in Japan see Steinhoff (1999).

prison visit as much a pleasurable experience as possible by including other fun activities, such as seeing friends or visiting tourist attractions, in the itinerary.

Others mentioned how physically and emotionally draining it is to make such visits.

Mutsumi, whose brother is serving time for murder, explained how she gets exhausted every time she goes to visit her brother, as follows:

[The prison] is in [the suburb of Tokyo] but I get dead tired when I go visit. Even now, [after every prison visit] I go to karaoke with my husband and sing songs non-stop for a few hours. But in the beginning our karaoke session used to take us four to five hours because I was afraid I would go mad if we didn't.

Moreover, a family's emotional strain is exacerbated by Japan's institutional regulations that limit visitation time and forbid contact visits altogether. Yoko, whose daughter was accused of aiding her boyfriend in murder, expressed such pain as follows: "When I go visit my daughter, she tries to reach out to me, crying out 'Mom!' But I can't even hold her hand. ...It is impossible to have a meaningful conversation in only ten minutes!" While the law states that the standard meeting time should be no more than 30 minutes, in case of unavoidable circumstance, it is considerably decreased to less than five minutes (Hayashi et al. 2013). Takeshi, a father of a sex offender recounted that once they had visited a prison only to be denied meeting with his son because he was held incommunicado due to a minor prison regulation violation. Paralleling the experiences of prison visitors in the United States, the families in this study demonstrated how the pains of imprisonment extended to legally innocent prison visitors through vague, arbitrary, or un-communicated prison rules (Comfort 2003).

Although some family members voluntarily and diligently work to fulfill their role as caregivers despite various difficulties, others take advantage of the physical distance between them and their incarcerated kin to reassert control in their familial relationship. As noted in Comfort (2008)'s work, for middle class families with financial stability and higher levels of

education, living in proximity to law-breaking kin forces them to place the transgressor in the center of their lives. But once he or she is removed from home through imprisonment, the family members can leave behind a precarious life filled with unexpected encounters with law enforcement and regain a sense of control over their lives. Ayako and Tatsuyo, both a few years into their sons' imprisonment, stated in a family circle that they had decided to write letters to their sons less frequently, to move on and lead the normal life they used to prior to their sons' arrests. Yoko expressed the same sentiment by saying, "I've decided to enjoy the time that my daughter is not around." Noriko, Ryoko, and Nobuo all spoke of how their sons were starting to occupy less and less amount of their thoughts in their everyday lives. Noriko told in a family circle, "I thought I should live the normal life.... Sorry to be like this, but I'm going to put my son aside for now." Indeed, Comfort (2008) notes that the penitentiary may be a powerful tool for wives and partners to exert control over the relationship with their abusive mates. Two other family members, however, expressed the difficulty of getting their minds off their confined kin and even if they did, agony and sadness came over them from time to time. Moreover, even those who had decided to become less devoted to supportive activities exhibited ambivalence, admitting the feelings of guilt for caring less as well as anxiety about their kin's future prospects.

Narratives provided by the family members with incarcerated kin reveal that prisons occasionally serve a positive function, especially for those who had experienced considerable disruptions in their life due to their kin's offending. This is similar to another finding discussed previously, as to how some of family members took advantage of law enforcement's power of arrest to deal with their kin's illicit drug use. Not only do these findings parallel what American criminologists have discovered about the wives and children of inmates in the United States (Hagan and Dinovitzer 1999), but they also challenge the previous understanding about the

family members of offenders in Japan. While their function was previously understood as a mere social resource passively used by the state (Fukaya 2007), these findings reveal that some family members of offenders in Japan also actively use the criminal justice system to their advantage. Some families benefited from kin's apprehension as it provided restored peace and security in their life. Through imprisonment, they also appreciated an appropriate amount of mental and physical distance from inmates, in an effort to establish a healthy familial tie. What this suggests is a complex, almost codependent relationship between the criminal justice authorities and family members of offenders, in the absence of other effective social support. As a result of having to rely on the criminal justice system as the sole solution in dealing with their kin's deviant or delinquent behavior, family members suffer from conflicting feelings of solace and distress.

Release and Reentry

Criminologists have noted that the notion of self-correction seems to lay deeply in the foundation of Japan's criminal justice (Bayley 1991:183; Braithwaite 1989:65; Johnson 1996). Extensive reliance on society's capacity for self-discipline leads to less government investment in prisoner reentry, and reintegrating ex-prisoners back into society ultimately becomes the burden for those who are closest to offenders. As the day of prisoners' release approaches, the family members become increasingly anxious due to varying concerns for their kin's as well as their own future. Even with the existence of parole officers, the participants expressed a tremendous feeling of angst, specifically over their kin's recidivism and employment, as well as the changing dynamics within the family and the community. Asked about his emotional state at the time of his son's release, Kohei said he was "80 percent worried and 20 percent optimistic."

According to Haruko, she felt as though she was holding “a ticking time bomb” when her daughter came out of the training school. Without proper guidance or assistance to treat an ex-inmate, family members grapple with the conflicting feelings of hope and despair.

Takao, a father of a drug offender who was in prison for eighteen months, repeatedly discussed his feeling of anxiety at three consecutive family circle meetings prior to his son’s release on parole. On one occasion he spoke:

I’m worried, yeah. ...My daughter is worried, too if there would be any [negative] influence on her. She thinks maybe she should go to some place else when her brother comes back. Well, the biggest thing I’m worried about is the neighbors who are a little strict, and I’m afraid it would cause any trouble. ...It really concerns me, but I have no answer. Meanwhile, the time is fast approaching. I personally wanted his release to be [in another two months]. I almost told our parole officer to delay it [*laughs bitterly*].

Because prisoners’ families are removed from the process of parole planning, they do not have any choice but to accept the release date, which was solely decided by the regional parole board. The parole board in Japan consists of professional probation/parole officers (PPOs) who work together with volunteer probation/parole officers (VPOs) to rehabilitate those who have committed crime or delinquency (Ministry of Justice 2015c). While PPOs mostly engage in administrative tasks as national governmental employees, VPOs are citizens who are commissioned by the state to help “recover” (*tachinaori*) people from deviance and delinquency on a voluntary basis (Angata 2005:214). In the case of Takao, he maintained an exceptionally intimate relationship with his son’s VPO. He described visiting the officer at least twice a month of his own will, which was quite rare in the sample of this study.

The majority of the families reported that they had limited interactions with VPOs or received insufficient support upon their kin’s release. Yasuyo, whose son served time for robbery, said of the VPO, “in the end he seemed to not care at all.” Haruko demonstrated her frustration that her daughter’s probation officer did not understand the strategy of “cutting off”, when she

refused to let her daughter come home. She said that she wrote him a letter afterward, thanking him and detailing her daughter's addiction and the reasons behind her action. However, what she received as a reply was his calling her "a heartless parent." In another case, however, the VPO actually helped a family member receive proper support and treatment for her drug-abusing son. In the case of Teruyo, she was recommended by her son's probation officer to attend a talk about addiction, which eventually led her to get connected to a drug rehabilitation center and its family circle. The narratives of the family members indicate that the quality of VPOs in Japan is vastly uneven. Some argue that there is a need of professionalization to improve the system of parole (Kitazawa 2003:108), although it is questionable that simple professionalization would solve many other fundamental issues of the VPO system, let alone a limited national budget for prisoner reentry.

Two family members have also reported pressure from VPOs to become *migara hikiuke nin* to increase the possibility of parole. *Migara hikiuke nin* simply means a person to whom the prisoner is released, and for inmates, having one is a required condition of parole. The receiver does not have to be a family member but the frequent visitation and exchange of letters with the prisoner are necessary criteria to become one (Kikuta 2011:197–98). Because not all ex-prisoners are allowed admission to halfway houses⁴, family members acutely feel the pressure from VPOs and their imprisoned kin to provide shelter after release. When Tatsuyo showed reluctance to be on the receiving end of her son due to her age and health, the probation officer asked her daughter to become one instead. Feeling extremely torn, Tatsuyo asked at a family circle if she had done the right thing for her daughter who was still having a tough time facing her younger brother's sex offenses. Eventually the daughter agreed but Tatsuyo later added that

⁴ Drug offenders, the elderly, and those who committed a yakuza-related offense are most likely be denied admission to halfway houses in Japan (Kikuta 2002:196).

she had told her daughter to “treat [her brother] as if he is another troublesome child of hers and bear the burden as her fate.” Her account demonstrates an enormous sense of duty felt by the family members of offenders to keep a close eye on their kin, even throughout their lifetime if necessary.

Expectations for family members to virtually aid the criminal justice agents are also seen in the system of parole in Japan. In a society where individuals are assumed to self-discipline themselves, prisoner reintegration is often left to the hands of those who are closest to ex-inmates. At this point, the pressure felt by the family members intensifies even more, for it could mean a life-long responsibility to care and monitor their kin, a sense of burden also commonly felt by Japanese families of the mentally ill and the demented elderly (Arai and Washio 1999; Hasui et al. 2002).

In his well-regarded book, John Braithwaite (1989) writes of Japan as a culture that allows wrongdoers to be de-labeled and accepted in communities after reintegrative shaming. Indeed, the system of “community corrections” in Japan is much less authoritarian and punitive than that of the United States, with VPOs acting as the “moral influence”, rather than the agents of crime control (Johnson and Johnson 2000). However, with the lack of specialized knowledge and training to handle elderly offenders, drug addicts, and those with mental illness and disability (Angata 2005; Ishihara 2012), VPOs are yet to provide meaningful casework. In contrast to the United States where parole violations account for one of the major causes for prison admission, the benefits of Japan’s reliance on the less formal, less threatening method of supervision should be recognized. During the course of my fieldwork, I have come to know several VPOs who are passionate about learning the experiences of offenders’ family members. Haruko was even invited by the rehabilitation bureau to talk regularly in front of VPOs and share her experiences

as the mother of a drug addict. Initiatives like this can improve the current system of parole by catering to the needs of parolees and their families while maintaining the informal and non-punitive relationship. Being treated as a valuable asset rather than a mere convenient tool for crime control is a desire shared by many offenders' families in Japan.

Families as “a Positive Resource”

Japan uses prison significantly less than other democratic nations as a means to control crime and delinquency (Johnson 1992). Criminal justice in Japan is also known for its informality as well as its extensive reliance on the community to discipline itself, which are arguably the main producers of Japan's lower crime rate (Bayley 1991; Braithwaite 1989). The experiences of the families of offenders, however, reveal that Japan's criminal justice may be achieved at the significant cost of those who are closest to offenders. In the absence of social services and programs that effectively assist those who are in trouble with the law, families are forced to rely on the system of control, which financially, emotionally, and socially debilitates them. Although a fundamental reform to allow a criminal justice system that places fewer burdens on offenders' families would be ideal, a more practical approach may be to use the family as a constructive resource. The Prison Family Bill of Rights (Prisoner's Family Conference 2013), which was adopted at the fifth annual prisoners' family conference in Dallas, reads, “The prison family has the right to be treated and integrated as a *positive resource* in the process of rehabilitation and reintegration preparation and parole planning of an incarcerated loved one [*italics mine*].” Using families as a positive resource means that recognizing and reflecting the voices of the families in criminal justice procedures. Using families as a valuable

resource rather than as a cheap, exploitable labor may enhance offenders' possibility of desistence, as families would be more willing and prepared to assist their kin.

CHAPTER 6: GENDERED DISTRIBUTION OF OFFENDER SUPPORT

Women in Feminist Criminology

The previous literature on families of offenders/prisoners has revealed that it is mostly women who are seen in the gallery of courtrooms, visiting rooms at prisons and detention centers, and family support groups (Comfort 2008; Condry 2007; Fishman 1990; Girshick 1996; Richie 2002). However, none has examined the activities these women engage in from the perspective of the gendered act of caring. Moreover, as the past research has largely focused on the wives of prisoners, the support functions performed by the parents of offenders, mothers in particular, need to be articulated. By paralleling the offender support activities to caregiving for the elderly, those with mental or physical illness, or persons with disability, which is largely conducted by women as well, this study seeks to examine how the unofficial caregiving provided by women to offenders is intertwined with the official criminal sanctions rendered by the criminal justice system.

As a product of the second wave of feminism, the growing attention has been given to the issue of gender and crime (Chesney-Lind 2006). In the wake of feminist criminology, Daly and Chesney-Lind (1988) have delineated how feminist thought could reshape the questions we ask about crime and justice. Critiquing the androcentric nature of the discipline, they argued that, “feminist inquiry is relevant and should be applied to *all* facets of crime, deviance, and social control” (p. 526). Since the inception of feminist criminology, however, women in the world of crime and justice have been studied from the relatively narrow perspectives of offenders and

victims (and practitioners). Ascribing the lack of feminist writing on the offenders' kin to the historically narrow focus of feminist criminology, Hannem (2011) writes:

“As feminists saw the need to move beyond their first-world, white, middle-class conception of liberation, so must a new generation of criminologists widen the lens of inquiry to include those who are not necessarily primary victims or offenders but are nonetheless marginalized by the processes of the criminal justice system” (p. 213).

Using Hannem's contention as a point of departure, this chapter highlights the need for understanding the gendered nature of caregiving activities for offenders in the aftermath of crime. Moreover, it ultimately calls for the need to expand the scope of feminist criminology by showing the centrality of the family members of offenders in the formal and informal means of social control.

Female Relatives and Partners of Prisoners/Offenders

It is well documented that the world of crime is heavily male dominated. After forty years since Adler's (1975) controversial claim about women's emancipation in crime, an extensive body of research continues to show evidence of decreasing gender gap is weak at best (Chesney-Lind and Eliason 2006; Heimer 2000; Heimer, Lauritsen, and Lynch 2009; Steffensmeier et al. 2006). While what causes this gender disparity in male and female criminality is still debated, the overwhelming domination of males in criminal activities results in a disproportionate amount of women left in communities. In his study of families of prisoners in Washington DC, Braman (2007) found that the sex-ratio imbalance in communities with a more than 10% incarceration was as large as 62 men to 100 women. With such a wide gender disparity, women in these heavily incarcerated communities started to settle for the situation that surrounds them and their man. They began to accept the fact that their husband or boyfriend might have another woman

and that they have to work around the criminal justice system to spend as much time as they want with their partner.

The close link between masculinity and crime as well as men's involvement in the oppressive and stigma-inducing criminal justice system disrupt women's daily lives. From strained family relationships and social isolation to financial loss and emotional distress, it is often individual women who singlehandedly deal with a vast array of repercussions of male criminality. Referring to the consequences of mass incarceration and the war on drugs have on women in the United States, Richie (2002) states:

By and large, it isn't agencies but women who are dealing with the consequences of addiction in families and households: women struggling to manage budgets consumed by addictions; women trying to hold families together when ties are weakened by prolonged absence; women attempting to manage the shame and stigma of incarceration; and women trying to prevent children from becoming casualties of the war on drugs (p.146-147).

Because of their expected caregiving role, women are the ones who are perhaps most affected by the consequences of their kin's crime and punishment. While these women do their best to preserve their family life as unaffected by the criminal justice system as possible, their efforts have rarely been noticed or appreciated (Girshick 1996). The wives are often left with a double burden of taking care of the prisoner as well as the rest of the family, which engenders a dilemma among women (Christian 2005). Fishman (1990) indicated that women's subordinate status in the family and in society forced offenders' wives to "do their own time on the outside" (p. 276), with no other alternatives to maintaining their strained marital relationships.

Studies done by Condry (2007) and May (2000) are significant in the sense that they include the accounts of mothers and sisters of lawbreakers. Profoundly, these studies have found that criminal shame and stigma not only extend to the relatives of offenders but also imply their responsibility for "creating" offenders, which often manifests in the form of mother blaming. Braman (2007) also found that the women in his study made generational efforts to keep the

family together in the aftermath of their male relative's incarceration. Not only mothers and wives but also grandmothers rendered support to raise the children of prisoners. Indeed, other studies have confirmed that when women themselves go to prison, maternal grandmothers are known to be the caretaker of children left behind, rather than the husbands or male partners (Arditti and Few 2008; Dressel and Barnhill 1994; Pruchno and McKenney 2002; Ruiz 2002).

In Japan, based on her experience as the founder of an offenders family support organization, Abe (2015) notes that those who deal with the consequences of law-breaking are women, namely the wives and mothers. She states that these women often fall victim to the sexism and exploitation at the hands of criminal justice officials who blame them for their kin's offense and take women's assistance for granted. Studying the supporters of political prisoners in Japan, Steinhoff (1999) has provided valuable insights into a wide array of support functions they perform along with prisoners' family members, from providing legal aid to visiting and writing to doing prisoners' laundry, most of which are ostensibly feminine jobs. Moreover, detailing the life of a famous political prisoner's wife, Steinhoff (1996) wrote, "Shiomi Kazuko, despite being the wife of the leader of what was surely at one time the most feared radical group in Japan, comes across as an object lesson in *ryosai kenbo* (good wife, wise mother) for our time" (p. 319). The praise and admiration she received from the public as a "virtuous and loyal wife" while caring for her husband as well as her elderly bedridden father, are a clear display of Japan's gender ideal that sees domesticity and sacrifice for others as signs of womanhood.

The pervious research in Japan and in the West has unanimously found that women play a major role in providing care for individuals in the aftermath of crime, sometimes as a substitute for various social services. But the research literature is yet to answer the fundamental question of why it is largely women who take up the caregiving role for those who come in conflict with

the law. In this chapter, I will seek to answer that question by drawing largely from the literature of caring and gender.

Women and Caring

It is well documented that from child care to elderly care to caregiving for those with a chronic illness, disability, and mental health issues, women across cultures and generations play a central role in aiding those in need (Anderson and Elfert 1989; Conlon et al. 2014; Hsiao 2010; Offer and Schneider 2011). Despite their primary participation in caring, women's professional and domestic care work also remain largely unpaid and unrecognized (Cancian and Oliker 2000; Gerstel 2000). Feminist scholars attribute this uneven and unequal distribution of care to socialization, male dominance, and economic discrimination (Cancian and Oliker 2000). According to Graham (1983), caring is "a labor of love", which necessitates the provision of not only material and instrumental services but also emotional intimacy, which is one of the major characteristics of femininity. Others refer to this dual nature of caring as *caring for* and *caring about*—the former entailing care through physical labor, and the latter emotion work, such as being attentive to others and feeling responsible to look after them (Calasanti and Slevin 2001; Ungerson 1983). Examining the gendered division of labor in caring, studies have found that women mostly engage in *caring about* whereas men's activities involve *caring for* (Offer and Schneider 2011; Ungerson 1987).

A rich literature also exists on gender and caregiving in Japan, particularly on elderly care, as looking after the frail or bedridden elderly at home continues to be one of the major tasks fulfilled by women in the aging nation (Kikuzawa 2015; Ogawa 2000; Wu 2004). In 2013, for instance, women comprised 71.5 % of caregivers who provide continuous care for the elderly at

home (Ministry of Health, Labor, and Welfare 2013). Historically, women in Japan, especially daughters in law, were deemed responsible for taking care of the elderly at home (Jenike 2003). But with the drastic legal, social, and demographic changes in Japan, women now are increasingly providing care for their natal parents rather than their parents-in-law (Koyano 2000; Traphagan 2003). Lee (2016) argues that women in contemporary Japan are ambivalent about their caregiving responsibilities, which are assumed based on filial obligation, ideals of womanhood, and cultural notions about the close ties between parents and children. Analyzing the political and legislative climate of elderly care in Japan, Rosenberger (2001) suggests that the Japanese government strategically made lower- and unpaid women volunteers responsible for elder care at home and in communities (p. 180).

Similarly, the Western literature has found that while there exist cultural forces on women to perform the role of informal caregiver, the state and medical professionals reinforce the assumptions about gender roles by relying on women as caregivers to “get the job done” (Anderson and Elfert 1989; Goldner 1985; McKie, Gregory, and Bowlby 2002; Ungerson 1983). Cancian and Olicker (2000:64) further argue that the nuclear family ideal, which emphasizes the family’s responsibilities to deal with domestic problems without relaying on outside resources promotes the feeling of helplessness among middle-class women, in particular. By drawing upon the literature of caring, I will investigate why it is largely women who take up the role of providing instrumental and emotional assistance to offenders. It also analyzes the relationship between the state and the families and seeks to postulates the exact function these women play in the overall process of criminal justice, through the provision of unofficial, unpaid support for those who come in conflict with the law.

Assisting (Ex-) Offenders

Instrumental and Emotional Work

While the majority of the previous studies on the families of those in the criminal justice system focused on the kin's hardships during their loved ones' incarceration, this study highlights the families' extensive financial, instrumental, and emotional support to assist law breakers from the moment that the kin's deviant or delinquent behavior came to the attention of the family members. Although all the wives and sisters in the current research received the news about their family member's arrest completely out of the blue, the majority of the parents had some knowledge about their kin's wrongdoing prior to their arrest. Therefore, their support functions first began with a tedious legwork to seek effective, professional help before the law breaking aggravates and is detected by the law enforcement. For Katsuko, her care and support for her drug-abusing son began when she received a phone call from her daughter in law that her son had been experiencing psychotic episodes and stopped going to work. Having no clue that this was due to his drug abuse, she, along with her eldest son and her husband, took him to various mental hospitals where he would be hospitalized for a brief moment and released with no consultations or a referral to treatment programs. Similarly, the parents of juvenile delinquents reported that they sought advice from numerous experts, from counselors to psychiatrists to schoolteachers to consultation providers at police departments, until they finally discovered a family support group.

If the law breaking was detected by the law enforcement despite the family members' effort to conceal and intervene, only then they enter the domain of criminal justice. In this study, the criminal justice authorities frequently relied on the families' ties to suspects and their communication skills to clear out the cases in a timely manner, consistent with the previous

studies on the criminal justice system in Japan (Johnson 2002b; Steinhoff 1999). Offenders' kin were often expected to cooperate even during the police investigation, by providing information such as the whereabouts of the suspects and their associates. When the suspect was formally charged with a crime, the families were also required to communicate with legal experts and criminal justice authorities, as they were frequently summoned to testify as a character witness. With almost no knowledge of the court procedure, the experience of being involved in trial induced tremendous anxiety, shame, and distress among the family members of offenders.

Throughout the phase of prosecution and adjudication, moreover, the family members in this study diligently provided material, financial, and emotional support to those who are detained, by making visits, sending in goods and money, and writing. Satoshi, one of the male participants, remembered sending in razors, letter pads, envelopes, stamps, snacks, books, and the previous issues of weekly comic magazines, which he ended up having to order directly from the publishers, for his son who was detained for sexual assault at the time. Unlike prisons where inmates' personal possessions are strictly regulated, detention centers in Japan allow those who are on the outside to send in various commodities. However, to the family members who have never come into contact the law, the regulations were extremely vague and confusing. One day at a waiting room in a jail in the northwest of Tokyo, I observed an elderly couple request to send in a paper-bag full of goods, only to find that half of them were sent back due to the jail code violations. Looking visibly exhausted and somewhat resigned, the wife said to her husband that she would toss the rejected goods on the way home, as they were no use to them.

Among the mothers of offenders who were sentenced to imprisonment in this study, prison visits and writing letters to their children were the two most frequently discussed activities. Because visiting and writing are the only means of communication allowed for the

families in highly restricted Japanese prisons, they talked in a great deal how often they wrote letters or visited their loved ones, especially in the earlier days of imprisonment. Other than strengthening their relationships through visits and letters, the family members often used this time away from the troubled kin to attend family circles and numerous talks and lectures to educate themselves about drug addiction, delinquency, parenting, and so on. Even after their kin was released from prison, however, the family members' distress continued. Because halfway houses are not accessible to all ex-prisoners in Japan (Kikuta 2002), the families substituted for social services, by not only providing a place to live, food, and miscellaneous living necessities, but also rendering employment advices and even behavioral monitoring.

As caring was defined as entailing both material and emotional aspects (Calasanti and Slevin 2001; Graham 1983; Ungerson 1983), the families also engaged in various forms of emotion work to meet the offenders' psychological needs as well as to manage their own feelings in dealing with the repercussions of crime. Trying to comply with "feeling rules" or the cultural norms of what to feel in a given situation (Hochschild 2003), family members tried to believe in the possibility of offenders' reform, and used it as a motivation to continue caring for offenders. But when their effort to act as a devoted, faithful caregiver was challenged by their own conflicting emotions such as doubt, anger, and frustration toward their kin, the participants experienced stress.

The family members also engaged in a great deal of emotion work to "live normally." At least five mothers and wives discussed concealing, suppressing, and altering their feelings to manage their spoiled identity as offender's kin and remain emotionally functional while they go about their lives. Asami described how emotionally and physically draining it was to "play the role of a normal mother" at her daughters' PTA meetings and school functions shortly after her

husband's arrest for a sex crime. Haruko, whose daughter was incarcerated for the use of methamphetamine, discussed her effort of managing her emotions outside her home as follows:

I was working like usual then [when her daughter was sent to the training school]. So I used to cry even on the way to work. As I get closer to the workplace, I'd always do this [swipes her hand in front of her face over and over again]. Isn't that funny? I was trying to turn into a different person. I needed to change my mindset. And the uniform, I worked as a nurse, you know? So when I put on my uniform, I could switch my personality. So in a sense I couldn't wait to work. I was making so much effort to forget about things that happened and I knew I could do that if I was absorbed in work.

Haruko's conscious effort to "cut off" herself from emotions was not only her way of complying with the feeling rules at the workplace but also a survival mechanism, through which she could escape from the reality. According to MacRae (1998), as much as failing at emotion management induces stress among the informal caregivers, *succeeding* at it could also cost the family members the ability to feel, as they may stop feeling altogether to protect themselves from emotional strain. Hochschild (2003) also argues, "[W]omen—because they have traditionally been assigned the task of tending to the needs of others, are in danger of overdeveloping the false self and losing track of its boundaries" (p. 195). Indeed, as a result of such constant acting and disguising one's feelings, some family members reported being out of touch with their identities. Noriko explained, "There are times I wonder if I have split personalities because I feel like I don't know which one is my true self anymore. I mean... I disguise myself at work so completely that my colleagues have no idea that I have this sort of problem [her imprisoned son's history of deviance and delinquency]."

Hochschild (2003) postulates that women engage in more emotion work than do men to compensate for the lack of their economic contribution. She also suggests that as a result of falsifying their emotions, women tend to develop "the altruist" false self, who puts the needs of others first, as opposed to the narcissist false self, which is more common among men (Hochschild 2003:195–96). In this study, it was indeed largely women who discussed their

experiences of being exceedingly concerned for the offenders and its consequences such as emotional detachment and identity confusion. This could be simply due to the fact that the current study only includes the persons who have contacted the family support groups, and thus, excludes men who are less likely to participate in family circle meetings. But the gendered patterns in the caregiving activities for offenders continued to appear in the accounts of male study participants as well as female family members when they discussed their spouses, pointing to the profound impact of culturally defined gender roles on the families of offenders in Japan.

Mothers of Offenders: Physicality, Totality, and Harmony in Caring

Studying the relationship between nurturance and femininity in Japan, Long (1996) has argued that caregiving activities for children, husband, and frail elderly in Japan tend to stress “physical comfort, the avoidance of conflict in providing care, and the totality of the caregiving experience” (p. 161). Summing up these characteristics as the importance of “being there”, Long (1996) emphasizes that the essence of caregiving in Japan lies in the constant provision of physical care, in close proximity to the care recipients. Even though contact visits are prohibited in the correctional facilities in Japan, the family members in this study, mothers in particular, devoted their time and energy to provide such care and assistance. The mothers went great distance to fulfill the offenders’ material, emotional, and legal needs, which required enormous physical and mental labor, and persisted for an extended amount of time. These laborious tasks ranged from writing letters to visiting prisons to sending in goods to communicating with various actors in the criminal justice system. Just as women “anticipate contingency, monitor the everyday, and plan for the long term” in childcare (McKie et al. 2002:917), mothers in this study

also *organized* as well as did the actual work to aid those behind bars while they often balanced caregiving for the rest of the family and employment.

When Yumiko's eldest daughter was arrested for the use of methamphetamine, she was not informed of the incident. Her second daughter instead was contacted by the police, as she was listed as the first contact by her older sister. Fearing that it would emotionally disturb Yumiko, a dedicated former schoolteacher and now a homemaker, her husband and second daughter chose not to let her know. After accidentally finding out about the arrest, Yumiko recalled that she completely devoted her time to caring for her imprisoned daughter. She explained:

Ever since I found out, things started to get all mixed up. I mean, I was like, "I was too harsh on her. I never tried to understand her from her own perspective. I raised her just to make her a responsible, respected individual in society." That feeling of guilt grew inside me. And, the fact that [my eldest daughter] never told me... that was because I was not a good mother, I felt like. It felt as though all the things that I've built one by one started to crumble in front of my eyes. [...] Because I strongly felt that it was my fault that my daughter went to prison, I was very adamant about doing everything I could do for her. So I went to see her at the detention center and prison everyday, except for holidays and weekends. I wrote to her everyday as well. When I knew I wouldn't have time to write the next day, I would write letters in advance so I could just fill in the dates and post them. I couldn't wait to go visit my daughter. It made me so happy and relieved to see her face.

By tending closely to her daughter during incarceration, Yumiko was trying to reconstruct her motherhood, which was challenged abruptly by her daughter's arrest. Paralleling the families of offenders in the UK and US (Braman 2007; Condry 2007), she, along with the majority of mothers in this study, wondered what went wrong in her child rearing and felt guilty about her child's wrongdoing. More importantly, however, writing letters and visiting her daughter every single day was Yumiko's way of "being there" (Long 1996:161). Yumiko was trying to provide uninterrupted emotional care and material assistance while maintaining proximity to her daughter as much as she could.

The avoidance of conflict, another characteristic of Japanese caregiving, according to Long (1996), was exemplified by the mothers who expressed anger and frustration with their husbands for the lack of involvement in aiding their children. At one family circle meeting, Yasuyo criticized her husband for not stepping in to deal with their recently released son who works sporadically and has a habit of late-night prowling, after four years of imprisonment for robbery. Yasuyo incessantly feared the possibility of his reoffending and demanded that her husband intervene. She said, “Even if I ask [my husband] to say something to him, he doesn't at all. One time I even asked him if he was afraid of his own son. But he said ‘No.’ I am so disappointed and frustrated with him. Now that I think of it, I see a lot of him in my son.” Along with her, at least four other mothers expressed anger, frustration, and dissatisfaction with their husbands’ degree of commitment and the lack thereof in assisting their children. Dealing with her son’s delinquency and the beginning of deviance singlehandedly for over five years, Noriko spoke of her husband as follows:

Maybe, I don't know, to the children, he's a good father. It's not like they dislike him. No, they don't. But to me, he doesn't do much in terms of raising kids. He might be thinking of them but when our son got into trouble, he didn't do anything. When we went to the court, I did everything. When we saw our attorney, I did all the talking. ...I did so much that at one point our attorney suggested that I stop doing everything. He was like, “Why don't you let your husband take charge?” But even then, he [my husband] didn't do anything. When our son was seventeen, eighteen, he used to get summoned to the court, questioned by the police, so often, like almost every other month. We frequented those places. Seeing that, the attorney told me to leave everything to my husband. But he [my husband] wouldn't let me. So I became like, “Ok, fine. If he's not gonna do it I'll do it.”

While the women in this study expressed much dissatisfaction in the lack of support from fathers, they nonetheless took the initiative in providing care, without resorting to an aggressive measure such as divorce. Indeed, none of the mothers except two in this study divorced their husbands after their children’s problematic behavior, despite the degree of dissatisfaction they expressed about their spouses. Yoshiko, one of the mothers who left her husband and son and later got divorced, explained that her son’s drug abuse was only a trigger for the divorce she had

long been contemplating. According to Yoshiko, her husband's general lack of concern or interest in child rearing and the strained relationship between him and her troubled son prompted to consider divorce in the first place. While many of her peers at the family support group admired her courage to leave her husband, still she was received as a radical example to follow. Yoshiko also revealed that when she was filing for a divorce at the family court, mediators actively tried to dissuade her from divorcing her husband. Another divorcee, Kimiko, explained that her husband's sexual abuse against her daughter with an intellectual disability precipitated her to divorce her husband, not her son's drug use. It seems that a strong cultural force exists in Japan to prevent older, middle-class women from seeking a divorce, making it only justifiable when they are dealing with acute situations such as child abuse.

Women in Japan have been long viewed as nurturers by the Japanese government that limits women's opportunities and binds them economically and socially to their home. Such a structural discrimination and the cultural ideal of womanhood render taking up the role of caregiver the most rational choice for women in Japan (Long 1996). The mothers in this study did confront their husbands for their lack of engagement in caring for their children. But as fathers exerted their power to set limits to their caregiver role, the women felt it was rational to step in and take over. For them, it was also a less socially disruptive approach than separation or divorce. This power imbalance that compelled women into caregiving is well documented in the literature of housework in Japan and the West, which find that the responsibilities of child rearing and chores at home still fall on the shoulders of women (Cancian and Oliker 2000; Offer and Schneider 2011). When a crime is involved, however, the unequal amount of shared work rendered the mothers not only exhausted but also emotionally isolated, forcing them to face their children as well as societal responses with limited or no tangible and emotional support from

their spouses.

Fathers of Offenders: Caring within the Boundaries

In this study, men did considerably less than women did to assist and care for the offenders. Moreover, the caring that the fathers of offenders took part in was somehow sporadic and limited despite their concern for their children, congruent with the literature that stated men engage in *caring about* more than *caring for* (Calasanti and Slevin 2001; Ungerson 1987). In regards to performing the caring work that involves physical labor such as prison visits, mothers as well as fathers themselves explained that men were often prevented by the time conflict between their work schedule and prison visitation hours. Long work was also used as a justification for not participating in family support groups. Sodei (1993) argues that the workplace structure does prevent Japanese men from elderly care due to long, hard work to provide for the family. But she goes on to say that a radical shift in the work ethics and structure in Japanese society would not suffice to change the attitudes of men toward caring, which still regards caregiving as “degrading”. Indeed, caring has been and still continues to be associated with femininity, emotions, and the family and home (Calasanti and Slevin 2001; Graham 1983).

Fathers, however, did provide support in a different way than did the mothers. When they offered assistance, they largely did so by providing vocational advices and direct assistance in finding a job upon release. Noriko said she was pleasantly surprised when her husband told their son that he would be willing to talk to his boss about hiring him once he is released. After six years of his son’s incarceration, Kohei told him that he was going to hand over a small property that he owns, “as an insurance for the future.” Satoshi provided more direct support, by accompanying his son to a career center after his first incarceration and rendering encouragement

and moral support as the returnee went on job hunting. Fathers were also the chief source of financial support in paying for private attorneys, rehabs, hospitals, counseling services, as well as paying for bail bonds and compensation, especially when juveniles were involved.

Mothers relied on their husbands' economic assistance as well, when their time was consumed by the instrumental and legal work in directly dealing with their children's law breaking and its consequences. Hanako, a registered nurse, said in a family circle that she was "appreciative of her husband for letting her attend family circles every month." She had even asked her husband a permission to cut her work hours and be claimed as his dependent so she could fully commit to the work of care and advocacy. Other mothers also expressed a form of gratitude toward their husbands for not prohibiting them to attend the support group meetings, which they understood as the husbands' way of making up for the lack of sharing the familial responsibility.

Although it was much less likely to see men at family circle meetings, some attended for their own good or for the sake of their wives and children. When fathers participated in support group meetings, they were almost always accompanied by their wives and seemed extremely uneasy about communicating their feelings. When Satoshi came along with his wife to the first family circle meeting, he sat diagonally on a chair, looking very guarded with his legs and arms crossed. But he seemed eager to obtain information and listened carefully to the words of the support group organizer. Later in the meeting, asked what sort of emotions he had for his son who was going through the second prison sentence for the repeated offense of sexual assault, he spoke as follows:

Satoshi: I know it's good to speak about your emotions but I wonder if it's ok to say stuff like that during visitation. It's only eight minutes long anyway so... I'm not sure how much I should say.
The organizer: What would you like to say to him if there were no time restriction?

Satoshi: Well, there's not much to say. I do think it is a pity that he still has his problems when he's twenty-years of age (age of consent in Japan) now. But that's just my reaction. When you say emotions, emotions... [pause] I can't explain.

Satoshi's response exemplifies men's reluctance to convey their thoughts and feelings, which is one of the chief characteristics of traditional manhood in Japan (Iwao 1998). But in the current study, fathers were not the only ones who were bound by the cultural expectations of manhood. As discussed earlier, while fathers got away with not bearing the responsibility of providing direct care for the offenders, mothers took over the tasks of caring, which caused them a great deal of physical and mental stress. Overwhelmed by the actual work of looking after their children, the women demanded their spouses to "do the job" at least symbolically, by exerting the paternal influence on their children. But the women's gendered expectations were hardly ever met, as the fathers' attempt to alter their children's wrongful behavior usually ended up as an utter failure and sometimes even escalated into a violent conflict between the father and the child. Thus, the mothers in this study also had their own gendered expectations for fathers, while being bound by the cultural ideals of womanhood themselves.

When mothers experienced exhaustion, frustration, and even exasperation as a result of having their expectations not met, fathers experienced the lack of emotional bond with the children, which is common for Japanese men who spend considerably less time with their family than women due to the structure of workplace (Sodei 1993). Satoshi discussed the relationship with his incarcerated son as follows:

Satoshi: What he wants is his mother. I kind of knew it but... Because, you know, he sends all the letters to her. He never addresses the letters to me [chuckles].

MK: But he writes something to you?

Satoshi: Yeah, of course. But the name... on envelopes... It's never mine. Well, it doesn't really matter, anyway [shrugs].

MK: And you write to him?

Satoshi: I leave it all to [my wife] (*omakase*). If anything, she's the one who is like, "Why don't you write to him once in a while?" I just say, "I don't have time."

Though Satoshi spoke of how he felt alienated from his son, his reaction was contradictory, refusing to make time for communicating with his son through letters. Judging from his regular attendance at the family circle and willingness to hand-hold his son through the re-entry process, Satoshi certainly has a great deal of concern for his son. But the actual caring activities he performed were quite limited and far from being complete.

Examining family caregivers of persons with dementia in Canada, Aronson (1992) found that male family members showed compassion but took up the actual caregiving activities sporadically, which made women family members feel responsible for picking up their slack. When men set their limits in caring, they do so with men's power advantage, which is often engendered by economic inequality between men and women (Cancian and Oliker 2000). But this study also found that men set their boundaries in caring based on their own definition of manhood, as it was the case for fathers in Hochschild's (2012) study who performed housework within the limits of their definition of manhood. Indeed, economic and vocational support that the fathers provided to their children and wives in the current study did not deviate from the traditional ideals of manhood in Japan. But when it came to other types of caring work, especially those that required a deeper level of communication with their children, men were extremely reluctant to partake in, making their care work uneven and incomplete.

Wives of Offenders: "He's not My Son"

In contrast to the parents of offenders, the wives were forced to face the entire consequences of crime on their own, with occasional help from their own parents and in-laws. The repercussions include not only supporting the husbands in the criminal justice procedure but also the children who need as much caring and assistance as the offender, if not more. Out of

seven wives included in this study, five reported that their husbands were arrested for sex offenses, such as groping on the public transportation and indecent exposure. Although to examine the reason for this tendency was beyond the scope of this paper, studies have found that the family members of sex offenders in the US and UK faced severe community disdain (Condry 2007; Farkas and Miller 2007; Schwartz and Weintraub 1974; Tewksbury and Levenson 2009). Thus, in Japan where crime is much less common than in other developed democracies, evasion from negative community responses might be the reason for such a high percentage of the wives of sex offenders seeking help from family support organizations. Nonetheless, when these women shared their thoughts and feelings, they spoke much about feeling ambivalent toward their husbands due to pity, anger, revulsion, and the sense of betrayal. The wives also discussed the acute need for protecting their children from negative societal reactions as well as the mass media, which could be extremely detrimental to the children's development. As a result, five out of seven wives reported divorcing their husbands and relocating soon after their arrest.

The conflict with in-laws and their own family members was another issue that was brought up frequently by the wives in this study. While two wives reported that their in-laws had no knowledge about their husband's law breaking, three wives with the in-laws who knew discussed or exhibited a complex relationship with them, especially their husbands' mothers. Akari and Naomi explained that their mother-in-laws were quick to blame them for their husbands' obscene behavior. But the wives firmly resisted the idea that they were to blame and in turn placed the responsibility onto their mother-in-laws. Akari recalled, "When I confessed to my mother-in-law about my husband's offense, she told me that it was my fault. I was like, wait a minute, he is your son, not mine." In another occasion, a sex offender's ex-wife and his mother attended a family circle meeting concurrently. The former wife openly criticized the mother for

rarely visiting her son at the prison, while she spoke of getting a degree in social work to aid individuals like her ex-husband. At the end of the meeting, the mother was brought to tears, apologizing for the lack of her engagement in caring for his son and expressing gratitude toward the former daughter-in-law.

These reactions from both wives and mother-in-laws indicate that women themselves subscribed to the cultural notion of women as caregiver. As an attempt to resist this gender ideal, however, both wives and mothers tried to place the caring responsibility onto each other, further reinforcing the assumptions about gender roles. Moreover, despite the power struggle between wives and mother-in-laws to put a limit to their responsibility, the expectation of caring for the offender was never extended to father-in-laws. In fact, the wives talked about their husbands' fathers with appreciation when they showed any signs of support for their arrested sons, which confirms the previous finding that women's and men's caring activities carry different meaning and weight, depending on who is the caregiver and where caregiving takes place (Land 1999).

Sisters of Offenders: Mothers' Good Allies

Although this study includes only three sisters as actual study participants, the parents of offenders discussed extensively about their concern for their other children—the offenders' siblings—and thus, provided valuable accounts of seven more sisters of offenders. In this study, the sisters who were old enough to comprehend the criminal justice procedure generally lent a helping hand to their mothers. When they happened to live together with the offender before or at the time of the arrest, they had usually sensed or witnessed their siblings' law breaking and the agony it has caused among the parents. Thus, when the law breaking is brought to the attention of the law enforcement, these sisters were often compelled to ally themselves with their mothers.

They did so by providing both instrumental and emotional support, including accompanying the mothers to the family circle, prisons and jails, and the courts, as well as letting the mothers vent out their pent-up feelings.

When they lived separately from the offender, the sisters' responses to the offense were more diverse. Tatsuyo's daughter had already moved out and been living with her own family when her younger brother was arrested for several accounts of sexual assault. Being a woman herself, the sister expressed clear disdain and revulsion against her brother's offense. An aging mother in her late 70s, Tatsuyo, nonetheless succeeded in persuading her daughter to agree on taking over the caregiver role in the future. Tatsuyo's and other mothers' decision to place the responsibility of looking after the ex-offender on daughters accord with other studies that found sisters provide more support than brothers and even expect replacing the aging parents who have been providing care for the persons with mental illness or mental retardation (Greenberg et al. 1999; Greenberg, Kim, and Greenley 1997; Williams 2004).

Despite the sisters' willingness to render support for their mothers, it has to be noted that their role always remained secondary in this study, leaving the mothers as primary caregivers as long as they are functional in their role. Thus, when the mothers did not show effort to consistently support the offender, the sisters expressed frustration. Mutsumi, whose younger brother was imprisoned for murder, talked about her mother in slight disdain. She wondered why her mother acts as if she did not care about her youngest child. She questioned her mother's womanhood by criticizing her absence in the familial effort of looking after the offender. This finding suggests that along with the wives of offenders, sisters simultaneously defied and reinforced the prevailing assumptions about the gendered division of work. Hence the state's

preference for the self-sufficient nuclear families in solving domestic problems (Cancian and Oliker 2000) generates ambivalence for the family members and even conflict at times.

Feminization of Offender Care Work

Examining the caring activities of the relatives of law-breakers in Japan revealed a disproportionate amount of offender care responsibility shouldered by women. While it is evident that the male dominance in crime contributes to the overrepresentation of women in offender support activities, this chapter showed that the gender imbalance also derived from traditional gender ideals and power relations within the household. Just as crime and the criminal justice system's responses to crime are significantly shaped by gender (Bloom 2003; Covington and Bloom 2003; Daly and Chesney-Lind 1988), so are the caring activities for those who come in contact with the criminal justice system. But to fully comprehend this gender imbalance, it is also crucial to consider how the governmental policies impact the family's decisions to look after their law breaking kin. The caring literature has consistently shown that the governments in Japan and elsewhere tacitly rely on the family to decrease the financial burden on social welfare (Cancian and Oliker 2000; Goldner 1985; McKie et al. 2002; Rosenberger 2001; Ungerson 1983). Furthermore, Anderson and Elfert (1989) argued that the term "family care" undermines women's major contribution in caregiving. This tendency for the state to use the family, particularly women, as unpaid labor to address various societal issues, has been in fact observed in the criminal justice system as well. Comfort (2008) stated in her study of prisoners' wives in California that these women take on a dualistic identity of a dedicated caregiver and a "rule enforcer that benefits the inmates *and* the penal institution as wives, fiancés, and girlfriends who

supply the labor and funding for the influx of rewards that keep prisoners on their best—or at least—better behavior” (p. 187).

In this study, the family members of offenders, women in particular, indeed aided the efforts of the criminal justice system by becoming a liaison between the criminal justice agents, legal experts, and their kin. They also rendered a wide array of instrumental and emotional support to offenders during and after incarceration, filling in for the appropriate social services, such as half way houses and offender reentry programs. It is as though the formal system of justice in Japan cannot fully function without relying on women who aids the system’s effort to apprehend, prosecute, punish, and rehabilitate offenders in the name of love or familial responsibility. Thus, the findings of this study suggest that highly associated with the women’s physical and emotional strain in caregiving for offenders is the state’s reluctance to invest in offender rehabilitation and reentry. It is argued that women are exploited by the state as an instrument to pick up the slack, due to their subordinate position in the hyper-masculinized criminal justice system as well as in society at large.

Hence, this study highlights the need for educating the family members of offenders about the exact functions they play in relation to the criminal justice system that incapacitates, disenfranchises, and marginalizes their kin by catering to the needs of offenders. Such information should be given to the family members so they could fully consider the meaning of their actions and freely choose the extent of their involvement in offender support. Moreover, while changing Japan’s cultural ideal that associates caring with femininity is important to curtail the familial responsibility keenly felt by offenders’ female relatives, a pragmatic shift in penal institutions may also effectively change this reality. Widening the window for visitation hours as well as allowing contact visits may provide more opportunities and incentives for men to share

the familial responsibility with their female counterparts. Lastly, building more halfway houses and establishing reentry programs that are accessible to *all* ex-inmates and collaborating with the existing agencies for offender rehabilitation would surely reduce the burden on the families of offenders.

New Direction in Feminist Criminology

Examining the issue of offenders' and prisoner's families from the feminist perspectives of caring certainly makes sense due to the sheer volume of women visitors, letter-writers, and family support group attendees. But more importantly, feminist thought also renders the scholars and advocates an important tool to examine the issue more fully. For one, it is a valuable instrument to recognize the structural subordination that women experience, not only as offenders and victims but also family members, in every phase of the criminal justice procedure. Using this theoretical framework, researchers and activists could make appropriate policy recommendations to protect those who are forced to deal with the consequences of crime and punishment due to their marginalized status. Moreover, it has to be noted that feminist criminologists too could gain from framing the struggle faced by the family members of offenders and prisoners as a women's issue. By widening the scope of feminist criminology to include those who are indirectly affected by the consequences of arrest, prosecution, and incarceration, the feminist scholars could pose yet another effective criticism to the criminal justice system, which remains highly male-dominated and exploitative toward women. This study has suggested that women who often perform the informal support functions for offenders are in fact the ones that keep the system going. Although more research is needed to generalize the findings of this study, they question the efficacy of the criminal justice institutions, pointing

out that the system of control relies heavily on women's communication skills, physical labor, and mental work to get the job done.

CHAPTER 7: STIGMA

Informal and Formal Labeling

An increasing amount of attention has been paid to the collateral consequences of formal sanctions, specifically incarceration, since the hardships experienced by the family members of prisoners have been widely recognized and examined (Chesney-Lind and Mauer 2003; Hagan and Dinovitzer 1999; Murray 2007; Travis and Waul 2004). But less is known about the collateral consequences of *informal* sanctions felt by the families of offenders. Although there is a growing body of literature on shame and stigma experienced by relatives of prisoners and offenders, virtually no studies have examined the mechanisms of how families come to perceive such informal sanctions. The same can be said about the literature on labeling theory, which considerably lacks research on the processes of *informal* labeling and how it interacts with formal labeling (Bernburg 2009, 2010). Though numerous scholars have argued that informal sanctions tend to be more potent than formal sanctions either as a deterrent or a source of subsequent criminality (Braithwaite 1989; Paternoster and Iovanni 1986; Zimring and Hawkins 1973), less has been said about the consequences of such means of control on those who are closest to offenders. The lack of Japanese experiences of stigma also represents a significant gap in the labeling literature as well as the scholarship on families of offenders. This study addresses these lacunae by investigating societal reactions to crime experienced by family members of offenders in Japan, where crime is relatively rare.

Shame and Stigma among Families of Offenders/Prisoners

Previous studies on the intimates and family members of prisoners in the West have highlighted the families' experiences of facing shame and stigma due to their close proximity to prisoners (Arditti 2003; Arditti et al. 2003; Girshick 1996). Central to these studies is Goffman's idea of "courtesy stigma" (Condry 2007), which is defined as the stigma that attaches and extends to those who are associated with stigmatized individuals (Goffman 1986:30). Expanding this notion, researchers have argued that, in the case of serious offenses such as murder, not only does stigma extend, but it also implies familial responsibility, attaching to families a new stigma as the cause of violence (Condry 2007; May 2000). Previous studies of prisoners' wives in the United States have also found that the wives' experiences of stigmatization largely originated from their interactions with criminal justice authorities rather than their communities (Comfort 2003; Fishman 1990). While a broader literature exists on formally imposed shame and stigma experienced by the relatives of prisoners and offenders, virtually no studies have examined the mechanisms of how families come to perceive informal, societal responses to crime.

In Japan, stigma is also a chief focus in the small but growing literature on the family members of offenders. Steinhoff (2008) vividly documented how the family members of political offenders faced severe condemnation from the public along with offenders themselves. One of the members of a New Left group responsible for a series of time bomb attacks in the mid 1970s in Tokyo recalled, "One morning after a snowfall, the snow was mounded up in front of our house and a pile of dog dung was left in it with the word 'hikokumin' (traitor) (Cited in Steinhoff 2008: 98)." When a serious crime such as this is committed in Japan, the news media facilitate community hostility by broadcasting names and addresses of not only convicts but also suspects. Terrified of being identified, families often relocate, switch jobs, transfer schools, and avoid

public spaces as a result. They also fret any sort of news media or even popular media that remind them of their kin's crime (Abe 2015; Suzuki 2010). Although the previous studies show that the negative or inaccurate news coverage could foster hostile societal reactions toward offenders' kin (Beck et al. 2009; Sharp 2005), virtually no Western or Japanese research has examined the role that the media play in the processes of stigmatization.

Modified Labeling Theory and Reintegrative Shaming

To examine the families of prisoners/offenders and their experiences, this study draws upon the modified labeling approach. One of the significant characteristics of the modified labeling theory lies in its emphasis on both actual and anticipated social rejection that the labeled individuals face (Bernburg 2009). Elaborating on Scheff's (1966) radical application of secondary deviance to mental illness, Link, Cullen, Struening, Shrout, and Dohrenwend (1989) highlighted that "patients' expectations of rejection are an outcome of socialization and the cultural context rather than a pathological state associated with their psychiatric condition" (p. 403). Assuming that individuals adopt the societal views about mental illness regardless of being mentally ill or not, Link and colleagues (1989) further noted that the labeled individuals use "secrecy, withdrawal, and education" to deal with the public's responses. Applying the modified labeling approach to societal reactions to crime seems ideal, as it not only recognizes the families' both anticipated and actual experiences of stigma, but also addresses one of the major gaps in the labeling literature, the lack of attention to informal labeling (Bernburg 2009, 2010).

Another theoretical framework that is instrumental in understanding the public's reactions to crime in Japan is John Braithwaite's (1989) reintegrative shaming. According to Braithwaite, Japan is the quintessential reintegrative society that "label[s] the act as evil while

striving to preserve the identity of the offender as essentially good” (1989:102). It is also argued that those with stronger ties to conventional institutions suffer more damage from informal sanctions than those with weaker connections (Braithwaite 1989). This thesis bears a critical importance to the current study in two ways. First, it provides a framework to appreciate and analyze *positive* societal reactions to crime such as forgiveness and acceptance. While the majority of past research has focused on families’ passive experiences of shame and stigma, positive consequences of crime, including the efforts to foster resilience by the families themselves, need to be documented (Condry 2007). Second, because reintegrative shaming was formulated based on Braithwaites’ observations of Japan, this study makes an ideal testing ground (Miyazawa 1997). Given the criticisms of the conception of a “restorative” or “reintegrative” Japan (Aldous and Frank 2000; Fujimoto and Park 1994; Johnson 1996; Miyazawa 1997; Nelken 1998), this study seeks to demystify the nature of Japan’s societal reactions to crime by investigating families of offenders and their experiences.

Fear of Detection

An overwhelming number of participants of this study expressed an immense fear of proximate communities discovering their ties to lawbreakers. In an effort to avoid any situation that could possibly reveal her status as a mother of a delinquent, Kimiko explained that she purchased a car and obtained a driver’s license so she could drive to the training school instead of taking the public transportation. She recalled:

[The training school] was located in the middle of nowhere. Even from the train station it cost about \$50 by taxi to get there. You could take the bus but it’s a kind of bus that, um, has no stop buttons. I didn’t even know that those buses were still running, but you would have to yell out, “I’m getting off here!” And the bus stop we wanted get off was called “The Training School.” “The Training School...” I just could not bring myself to say, “I’m getting off in front of the training school...!” And my husband never says it either. He’s only been there a few times but whenever he goes he makes me say it. So the first time I went, I could not tell the bus driver where

my stop is and I got off at the next stop. But those buses aren't like the ones over here, you know? I thought I would only have to walk back 200 or 300 meters. I ended up walking more than a half-hour in the mountains. That's when I thought, "This isn't gonna work. Either I have to make myself say it or drive."

The fear of detection and the need for secrecy reported by Kimiko and other study participants arose from the interplay between formal and informal labeling.

According to labeling theorists (Becker 1963; Lemert 1951), crime is defined by labeling through both formal and informal institutions. As Bernburg (2009) puts it, "formal labeling, such as an arrest or a conviction, may have little or no impact on a person's social status as long as it is kept secret from community members, employers, teachers, and so on" (p. 344). Similarly, family members of offenders are likely to experience less shame and stigma if their kin's formal label as a criminal was concealed to the public.

The present study identified two ways in which the formal label became available to the public. Firstly, the official label was made public by the news media, allowing community members to make direct associations between the officially labeled individuals and their family members. Kohei recounted the aftermath of having his adult son's arrest for fraud published in the media as follows:

My son was twenty-two at the time of arrest so his name and everything else were aired on the TV and radio. I am the youngest of five siblings and my eldest brother is a fairly well known journalist, employed as a lecturer at the time at [a prestigious university] in Tokyo. The second eldest was also a principle of a private all-girls high school. So when they found out about what my son had done on the TV, they indeed, blamed and criticized me and my wife, saying that we have failed as parents. We had to, um, apologize, deeply bowing in front of them and such. Oh, they were really, really harsh and it really made me feel ashamed as a parent.

Kohei's experience well documents a mechanism of labeling in which the publication of a formal label prompts informal labeling. Following the formal labeling of an individual through arrest, the media disseminate the official label to the public, triggering informal labeling that often extends to the family of the formally labeled. As a result, Kohei became the target of blaming and condemnation by the hands of his own family who felt that negative celebrity threatened

their social status. Such reaction coming from intimates could have quite significant emotional consequences, as it tends to be more potent than the impersonal state shaming (Braithwaite 1989).

Secondly, a formally imposed label became publicized when the members of society assumed the link between the criminal justice agents and the family members of offenders through gossip or witnessing. Thus, the family members were increasingly wary of being frequently seen by others with uniformed police officers and probation and parole officers in the neighborhood, as well as in the vicinity of correctional and judicial institutions. Masae became deeply disturbed when she found out that the police detectives had asked her neighbors questions and distributed their name cards in an effort to arrest her drug-abusing son. She explained that although she did not mind being visited by the police as it had happened many times before, what bothered her was that the detectives were so obtrusive that they might have disturbed the neighbors and, more importantly, publicized her family member's shameful association with criminal justice.

Moreover, the study participants expressed that they were keenly aware of trial observers, and some even told that they were threatened by their presence. Asami spoke of her experience of going to her husband's trial for sex offense as follows:

When I went to [the court], there was coincidentally a hearing for [a very celebrated criminal case]. So the lobby was packed with people. At the reception, there were books that showed the schedule and location for all court hearings for the day. I remember being terrified of the people who were studying those books and taking notes. I was also scared of bumping into somebody I knew. So I was like this [covers the left side of her face with hand] whenever somebody walked past the door of our courtroom. ... I think there were about twelve, thirteen [observers] in total. There were even these really young people with dyed hair and backpacks, looking not so intelligent and out of place. I was like, who are these people? ... I would never want to go back to trials and things of that sort.

Zimring and Hawkins (1973) argue that "a criminal trial followed by conviction and sentence can be seen as a public degradation ceremony, in which the public identity of the convicted individual is lowered on social scale" (p. 79). Indeed, these family members perceived going to a trial as a stigmatizing experience, rather than an opportunity to ensure a fair and impartial

administration of justice. Saeko, a mother of a repeat sex offender whose case was tried under the lay-judge system, said she dreaded to testify in court as a *jojo shonin* (character witness) and had lost four kilograms as a result of stress-induced appetite loss. But even those who did not appear in court as witnesses also expressed the uneasiness of seeing strangers in the courtroom. To them, these observers represented not the criminal justice officials or judicial experts but curious lay people who possessed the power of imposing informal labels.

The accounts of the family members indicate that both the media and criminal justice system function as a vehicle of publicizing formal labels, which consequently enable informal labeling by community members. Due to the high social visibility of criminal justice agents and establishments, such as police officers in uniforms, police cars, the courthouse, and prison, they function as markers for individuals having trouble with the law. Thus, when family members come in contact with such symbols of criminal justice, they became extremely fearful of being seen as the same as the targets of crime control.

It has to be noted, however, that when family members of offenders in Japan discussed their experiences of prison visitations, stigmatization by the correctional officers was not a frequent topic of discussion. In contrast to the Western experiences of being humiliated, stigmatized, and even abused (Christian 2005; Comfort 2003; Fishman 1990; Hannem 2011), a few family members spoke of negative experiences with prison guards. This might be due to the families feeling less vulnerable to stigmatization inside the prison than when they were outside, for they were sharing the space with those who experienced the similar events. Indeed, Braman (2007) posits that because the family members are outside of prison, they are less “protected” from societal reactions than those who are living on the inside with the peers who could provide sympathy and share frustration or anger. Echoing with this conjecture, the Japanese families’

experiences of formal and informal reactions to crime indicate that the latter might be felt more keenly by those who live on the outside.

Actual and Anticipated Community Hostility

Previous literature on Japanese families of offenders has highlighted serious and extremely sensationalized cases that led to severe condemnation from the public and proximate communities (Abe 2015; Steinhoff 1999; Suzuki 2010). In this study, such intense public hostility was not reported possibly due to the less serious nature of the crimes committed. When the study participants discussed their experiences of encountering actual hostility, however, these circumstances mostly involved those who were in a close proximity to them, such as other family members and relatives, next-door neighbors, and local community members. Ten family members reported such experiences and, more importantly, verbal hostility was most frequently imposed at the hands of their family and relatives.

According to Schwartz and Weintraub (1974), the American wives of prisoners often get torn between the contrary views of their husbands by their parents and in-laws. In the eyes of the wife's parents, the husband represents the source of agony inflicted on their children and grandchildren, while the husband's parents tend to see the wife as at least partially to blame for his deviant behavior. Paralleling these findings, three wives discussed such experiences in the current study. Naomi and Akari, whose husbands were arrested for fraud and sexual assault respectively, spoke that they were both blamed by their husbands' family for his wrongdoing. Though not blamed by her in-laws, Asami recalled that, "[My mother] refers to my husband as 'that man' in front of my children. The youngest always catches it and gets uneasy. So I had to ask her to stop doing it and call him their daddy instead." Despite facing dilemmas, as Fishman

(1990) found in her study of prisoners' wives in the United States, the wives in the current study largely made an effort to maintain their children's perception of the incarcerated men to be fathers rather than criminals.

Both Takashi and Yasuyo were very concerned about the reactions of their local communities. Takashi's son was incarcerated for a drug offense, but the relationship between his family and his next-door neighbors had already started to deteriorate prior to his incarceration, when the neighbors called the police on Takashi's son for public disturbance. He also recalled that the daughter of his next-door family told him to "piss off" when he tried to greet her on the street. Yasuyo, whose son has been incarcerated for multiple counts of robbery, explained that even though her son tells her not to be bothered by it, she is convinced that the next-door family tries to avoid her whenever they see her on the street. After eight years since her son's arrest, she explained:

My son tells me that we don't have to worry about what other people think because he has already made amends. But in Japan, you still have to be concerned about other people's views.... In our neighborhood, I always wonder if people are looking at us with disdain. Our next-door neighbors are alert, too. They recently installed a security camera. I know I could go on and on worrying about things like this, but Japan is still a conservative society, you know? Like, you have to go on living, feeling small and ashamed. ...Our house is old and we want to repair the damaged roof. But it is going to require scaffoldings and everything and be very noticeable. I'm afraid that the neighbors are going to judge us and say, 'I can't believe they have the audacity to fix their house after their son has done a such thing!'

The discrepancy in perceptions of stigma suggests that offenders and their families experience different types of stigma as a result of their different legal statuses. Because family members only experience informal labeling and sanctions to the full extent due to their legal innocence, the stigma of criminality persisted with no signs of termination, such as release from prison. While we know that ex-offenders experience a number of blatant and systematic consequences of *formal* sanctions, also known as "civil death" (Petersilia 2003:136–37), family members experience as much potent and enduring effects of *informal* means of social control, if not more.

The disparity in the understanding of societal reactions was in fact a frequent topic discussed by the families. Kanako burst into tears as she discussed her frustration and anger toward her brother who asked her to publish his journals on the Internet to publicize the reality of Japanese detention centers. She harshly criticized him for being completely oblivious to the daily inconveniences and the fear of discovery that his family was going through in their communities. In her study of Canadian wives of prisoners, Hannem (2011) argues that women are more susceptible to extended stigma due to the patriarchal notion that limits women's identity formation only in relation to their spouses or children. Hagan, Simpson, and Gills (1979) have also noted that social stratification renders women more susceptible to informal sanctions than men because "women are denied full access to the public sphere through a socialization sequence that moves from mother to daughter in a cycle that is self-renewing" (p. 34).

The women participants in this research indeed seemed more concerned about the effects of informal labeling and stigmatization on the family and themselves than their male counterparts or male offenders. The women particularly noted that they became increasingly wary of gossip when they went outside for grocery shopping or to take out trash. While men could evade much informal labeling by devoting their time to work, due to the expected gender roles that tie women closely to household and communities, women frequently faced cringe-inducing and potentially shameful moments outside their home. Although the women in this study continued to fulfill the socially ascribed role as a caretaker of offenders and the rest of the family (Girshick 1996), their effort to keep the family life as normal as possible was continuously ignored, undervalued, and taken advantage of (Richie 2002).

Dealing with Stigma

Secrecy

As the modified labeling theory posits (Link et al. 1989), secrecy was indeed one of the prominent methods of dealing with stigma among the family members of offenders in this study. Secrecy was, however, used in various forms, including deception, half-truths, and selective disclosure. In this study, the majority of family members reported that they concealed their kin's law-breaking from their colleagues, with the exception of a few who informed their immediate bosses to get time off. When the study participants interacted with neighbors and acquaintances, they often withheld their kin's information by not saying anything or telling half-truths. Yasuyo reported that she confided in one of her closest friends, but she explained in an interview that she purposefully selected a friend who lived away from her local community to avoid becoming the subject of local gossip.

Some discussed that they concealed their kin's wrongdoing even from other immediate family members and close relatives. Study participants often justified this as an effort to safeguard other family members' psychological and physiological wellbeing, especially when they were deemed too young, too old, or too emotionally vulnerable. Mitsuko, whose husband was arrested for indecent exposure, maintained that she would never want her adult daughter to find out about his offense, although the rest of her children knew. She explained:

Both our sons know [about their father's sex offense] but our daughter doesn't. So I wouldn't want her and her husband to ever see [the media coverage]. I feel like everyone knows about it, but at least my daughter...I would never want her to discover because she loves her father so much. So I hope she doesn't...find out, ever. ...I contemplate divorce but supposedly I live here and my husband would have to go live with his parents. Then he has to tell them. He has told me never to disclose [his offense] to his mother or elder sister. So we never did. But I feel like, why am I the only one who has to suffer? I personally want to tell my sister-in-law at least but...

Prohibited by her husband to inform her in-laws, Mitsuko was forced to live in an intricate web of familial secrets, feeling the burden of keeping the information all to herself. Yasuyo managed

not to let her mother, who was then hospitalized and later passed away, discover her grandson's arrest and incarceration by convincing her that he was working abroad. While it is unknown if her mother ever found out about the offense, Yasuyo firmly believed that letting her mother pass away without the knowledge of a discreditable fact about her grandson was one of the few good decisions that she had made regarding her son's offending.

Findings highlight a careful selection process employed by the offenders' families to determine when, to whom, and how much they disclose about their kin's offending. As noted previously, formal labeling becomes problematic when it is revealed to the public (Bernburg 2009). Secrecy allowed the family members to have autonomy and control over the amount of information the public has about their kin's criminality, and thus, enabled them to resist informal labeling. According to Scheppelle (1988), secrecy represents a means of wielding power, "wrenching advantage from the unknowing actions of others" (p. 5). In regards to deception, similarly, Simmel (1906) argues that "[t]he lie that succeeds—that is, which is not seen through—is without doubt a means of bringing mental superiority to expression, and of enabling it to guide and subordinate less crafty minds" (p. 446). Thus, as Foucault (1980) reminds us of the inseparable nature of knowledge and power, the techniques shown above were used not only to curtail stigma but also to control knowledge and reassume power, which families of offenders have been often deprived of in the midst of chaotic and unfamiliar criminal justice procedures.

Scheppelle (1988) further notes that "[t]he secrecy is the social mechanism through which the interest and intentions of particular social actors, making decisions in their daily lives, become translated into inequalities in knowledge" (p. 23). When secrecy was employed against the public, families used the knowledge imbalance as a source of power, which was once taken away by the criminal justice system, to shield themselves from labeling. When secrecy was

employed within the family, however, the knowledge inequality in turn harmed the uninformed by depriving them of a possible source of autonomy. In this study, daughters, young children, and the elderly were often excluded from the whole criminal justice process and given distorted and misleading explanations about disturbances in the family. Previous studies have demonstrated that deception can have detrimental effects on the children of prisoners in terms of behavioral, emotional, and cognitive adjustment (Lowenstein 1986; Schwartz and Weintraub 1974). Moreover, these children are often aware of the facts despite adults misinforming them (Fishman and Cassin 1981). Due to sampling issues, this study was not able to inquire into the repercussions of familial secrets on children and adult relatives of offenders. Nonetheless, it suggests that secrecy is a tool of power afforded to only some, debilitating the unwitting family members through knowledge inequality simply because of their gender, age, and ableness.

Revealing Secrets and Separating from Stigma

So far, the narratives of the family members of offenders in this study has highlighted the kind of shaming, *neither* terminated by society *nor* followed by the gestures of forgiveness, pointing to the fact that Japan is no more reintegrative than other societies. The families, however, did discuss the experiences of encountering acceptance by others, albeit much less often. Such instances of reintegrative shaming occurred when the families were dissociated from the crime committed by their kin. Kohei recalled that he was grateful to those who sympathized and consoled him at the first PTA meeting he attended after his son's case was broadcasted, by saying that it was his adult son's act not his, therefore, there is no need for him to feel sorry or shameful. The gestures of acceptance were expressed not only verbally but also by the simple act of maintaining relationships with the family members even after the discovery of the incident.

Kohei and at least four other parents of offenders reported that they felt great relief and gratitude when their other children were met with understanding and compassion by their significant others upon revealing the discrediting fact about their family.

According to Braithwaite (1989), decertifying deviance or de-labeling is a fundamental aspect of reintegrative shaming. In a reintegrative society, the deviant label will be removed from offenders upon punishment and shaming before it becomes their master identity. In this study, shaming was so potent and long lasting, that families made their own effort to end it by decoupling themselves from the stigma of criminality. Haruko, a mother of a drug offender and one of the founders of a drug addicts' family support group near Tokyo, recounted her first experience of attending a family circle twelve years ago as follows:

When I first went there, well, it was for families of drug users so I thought everyone there was like this [runs her finger across her cheek signifying a scar, indicating *yakuza*] or hostesses you see at the bar. So I was very, very scared [*chuckles*]. Then when I went inside, I found out that they were actually, um, normal people. But when I was at the registration, people around me were saying stuff that didn't make any sense. They were like:

"Ah, my son got arrested again!"

"That's good! If he's in prison, he's not using."

"My son is still missing."

"If there's still no word, that means he's not dead!"

Hearing these things, I was like, "Wow, so scary..." But, you see, they were all laughing... I couldn't even smile at that time, having thoughts like, "If only my daughter was dead... Maybe I should die with her, too..." When I saw these people laughing so much, I thought, "Wait, maybe it is ok for me to live. Maybe it is ok for me to... laugh... as well. And I felt like I saw this faint light at the end of the tunnel."

By openly discussing and even laughing at their kin's situation, the long-time members signified to Haruko that the current state of her daughter was no longer something to be hidden. Family circles prompted her to reduce self-stigma by asserting that being a drug offender's family is a significant part of her identity (Boling 1996).

Another prominent aspect of her account is the display of a very limited and skewed understanding of crime. According to the modified labeling theory, the labeled individuals internalize the same conceptions about deviance as the public through various means, such as the

media, and that they perceive societal responses based on those internalized views (Link et al. 1989). For Haruko, who grew up in a middle-class household in the outskirts of Tokyo and is a dedicated registered nurse, illicit drug use was something so foreign and unfamiliar that she initially associated it only with those who occupied the lower rungs of the socio-economic ladder. This instance suggests that because crime is so uncommon in Japan, the public tends to hold very stereotypical and even stigmatizing views about lawbreaking, which would be then internalized by the labeled. This process of self-stigmatization was reported frequently in this study. In fact, the distorted conceptions about deviance were not exclusive to Haruko or the families of drug offenders, but were almost unanimously expressed by the study participants, reporting that it was a surprise to see people just like them in prison visiting rooms and family circle meetings.

To these family members, the family support groups served an educational purpose. They obtained accurate information about crime and the criminal justice system from peers and professionals, which fostered the process of de-stigmatization. Many also reported that family circles simply provided a place to cry. When their status as an offender's family is not socially recognized, they are deprived of space to express their complex set of emotions. Yasuyo, feeling out of place even at home where she lived with her husband and her son who was recently released, recalled that she used to frequently go to a public swimming pool in the next town prior to discovering a support group. When asked about the reason, she simply replied, "I used to cry while I swim. Others wouldn't notice it if I was crying underwater, you know?" Many study participants indeed told that they used to come to the family circle just so they could cry. For those people, family support groups represented not only an educational opportunity but also a safe and protected place where they could disclose secrets and express their disenfranchised emotions without facing negative repercussions.

Irony of Japan's Low Crime Rate

Japan is a society that experiences remarkably less crimes than its Western counterparts. In 2014, for example, the rates of adults brought into formal contact with the police and/or the criminal justice system in the United States and Japan were 4134 and 190 per 100,000 respectively (UNODC 2016). The US adult incarceration rate is 612, whereas it is only 47 in Japan⁵ (Carson 2015; Ministry of Justice 2015a). While it is a welcoming fact that Japan is considerably safer than other societies, the previous studies have found that fewer occurrences of crime in communities have an inverse effect on the level of stigma faced by offenders' kin (Fishman 1988; Schwartz and Weintraub 1974). Hirschfield (2008) has also shown that labeling has a limited negative impact on the youths in crime-familiar communities where the label of a delinquent is neutralized. These studies point to the existence of a great irony in Japan: the low crime rate, which is supposed to help families thrive in a safe society, is what actually causes offenders' families harm.

In Japan, because the number of individuals affected by crime is so miniscule, families feel compelled to keep their troubles private, allowing the government as well as the general public to turn a blind eye. Indeed, Boling (1996) notes that privacy isolates individuals, rendering them unable to recognize their problem as a public, political issue shared with others. Thus, crime tends to be seen as an individual problem in Japan, fostering stigmatizing societal responses. This is in stark contrast to the situation in the United States, where crime is so prevalent and racialized that the whole African American community not only sees it as less stigmatizing but also an opportunity to advocate for social change (e.g. Black Lives Matter). But

⁵ It has to be noted here, that imprisonment is used seldom as a means to deal with crime in Japan (Haley, 1991; E. H. Johnson, 1996), especially as a punishment for those who committed minor offenses (Johnson 2002b).

even in the United States, with the daily reporting of innocent black lives lost to police brutality, the crime rate continues to drop (Federal Bureau of Investigation 2015). In fact, there seems to be a general trend of crime decline in Western societies (Knepper 2012; Tseloni et al. 2010). Studies have found that most countries in the West have experienced an increase in property and violent crimes from the 1960s to the 1980s, followed by a decrease since the 1990s (Farrell, Tilley, and Tseloni 2014; Tonry 2014). Although some Asian countries and African countries do not follow this pattern, it appears that they have been experiencing a steadily decreasing in crime as well (Lappi-Seppala and Lehti 2014).

While numerous explanations for this global trend of crime drop have been provided and examined, Baumer and Wolff (2014) argue that one of the macro explanations of this international phenomenon include more informal social control. As a result of aging in societies, the shrinking population of high-crime age groups and relatively many in age groups that are capable of youth supervision resulted in decreasing crime. This hypothesis parallels with the Japanese experience, as the nation is considered to be one of the most rapidly aging societies in the world with a huge population gap between young and adult age groups. Moreover, Eisner (2014) suggests that the process of “civilization” that values more self-control and individual responsibility may have attributed to the international trend of crime decline. This also resonates with the Japanese circumstances in which the individualistic explanations pervade the public perceptions of crime and the individual responsibilities to control and correct one’s criminal tendencies are emphasized. If these hypotheses are true—if “civilizing” social processes that emphasize self-control and responsibilities, together with informal social control such as disintegrative shaming decrease crime—we have to ask ourselves an important, tantalizing question: is a crime decline necessarily a good thing?

As the world witnesses the general trend of crime drop, the Japanese experience serves as a cautionary tale that a “safe society” may not be a blessing for all individuals. The world with few crimes paradoxically indicates a situation where those who committed a crime would be met with a lack of empathy, stigmatization, and the public that places the blame on offenders as well as their families. Crime would be treated as an individual problem, not a societal issue that requires a broader approach to improve social conditions. Thus, this irony of Japan’s lower crime rate teaches us the importance of educating not only those directly involved in or affected by crime but also the general public to curtail the overall stigma of crime. Moreover, the criminal justice officials, legal experts, as well as media personnel must be cognizant of how the consequences of their actions can reach well beyond the offenders.

Disintegrative Shaming and Its Consequences in Japan

Although the findings of the current study cannot be generalized to a larger population, those who were observed and interviewed in this study did report many similar experiences of disintegrative shaming upon their kin’s offending. Their accounts of prolonged and debilitating consequences of informal punishment indicate ethical concerns for the use of familial shame as a means of social control (Condry 2007). Some may argue, however, that Japan successfully uses stigma to deter crime (Haley 1991). Indeed, Japan continues to enjoy one of the lowest crime rates in the world despite its huge urban population and the rapid economic growth since the 1950s. But a closer look at the recidivism rate in Japan reveals that 38.5 % of ex-prisoners revolve back into the correctional system within five years (Ministry of Justice 2015b), indicating that there is a considerable number of individuals *not* being deterred by informal sanctions. Even if informal punishment were effectively employed as a deterrent, it may be done

so at the significant cost of the offenders' innocent kin who are particularly vulnerable to the impact of shaming and stigma.

Furthermore, informal sanctions wear out families and render them ambivalent toward offenders at a critical juncture of their release. Because familial support is crucial for successful prisoner reentry (Arditti and Few 2006; Naser and La Vigne 2006; Shapiro 2001), ambivalent family members may diminish offenders' chances of desistance. Unsuccessful reentry injures families as long as their kin's offending persists. Thus, future research particularly needs to investigate women, because female family members may suffer the most damaging effects of informal sanctions and are often at the forefront of offender support activities. Feminist thought and research techniques should be employed to inquire into the reality of these Japanese women so they can be better assisted while they render continuous care and support for offenders all through the formal and informal systems of justice.

CHAPTER 8: AMBIVALENCE

Emotions in Criminology

Emotionality is one of the topics largely ignored by criminologists, although it is presumed to be an intrinsic part of crime and punishment. Legal scholars may argue that emotions are ubiquitous especially in criminal law (Kahan 1996) but theoretical criminologists believe that the relative lack of affective debates in explaining crime still pervades criminology (Giordano, Schroeder, and Cernkovich 2007). Discussing that crime and emotions have an intimate relationship, de Haan and Loader (2002) note:

Yet the emotions remain a somewhat peripheral topic within theoretical criminology. Many established and thriving modes of criminological reflection and research continue to proceed in ways that ignore entirely, or at least gesture towards, the impact of human emotions on their subject matter—if you doubt this, take a quick glance at almost any criminology textbook, whether of a conventional, radical or integrating bent (p. 243).

Perhaps the scant discussions of emotions are due to theoretical criminology's propensity for rational-choice theory and positivism. Critiquing these dominant sociological approaches to crime, cultural criminologists argue that the disregard for feelings experienced by transgressors relegates their narratives to "the predictable, the quantifiable, and the mundane" (Young and Brotherton 2014:117).

When emotions are examined in criminological studies, it is largely done so as an effort to assess the political impact of (intense) emotions on criminal justice policies, corroborating the fact that emotions are widely present in the legal domain. Indeed, the previous literature on emotions and crime has placed its focus on the examination of acute and reactionary feelings such as anger (Hartnagel and Templeton 2012; Kaminer 1995), fear (Garland 2001; Simon 2009), and disgust (Karstedt 2002). The discussions rarely extend to the more complex and

subtle feelings that are experienced regularly by those who are involved in crime directly or indirectly. Yet, there is a growing literature that supports the contrary. Studies found that people experience ambivalence when they contemplate if they should transgress (Burnett 2004; Frazier and Meisenhelder 1985) or take sides on controversial penal issues such as “get tough on crime” policies (Zimring 2008) and capital punishment (Kita and Johnson 2014). While many state that mixed emotions are an intrinsic part of the modern human condition (Bauman 1991; Giddens 1990; Sjöberg 2010), the experiences of ambivalence among those whose lives were touched by criminal justice remain unknown. By uncovering the complex emotional processes that the offenders’ kin experience in the wake of crime, this chapter seeks to contribute to the diversification of the emotional consequences of criminal justice contact.

Offenders’ Families’ Emotional Experiences

Intense feelings that result from crime are well documented in the previous literature of the families of offenders and prisoners in the West. Shock, confusion, guilt, and shame were all reported in the previous studies of family members of serious offenders, including death row inmates (Arditti 2003; Beck et al. 2009; Braman 2007; Condry 2007; May 2000; Sharp 2005). The literature emphasizes the experiences of emotional strain, which sometimes result in psychological distress and other mental disorders among the family members. Despite such severe emotional consequences, the previous literature has highlighted the kin’s continuous effort of providing support to those who were incarcerated. The studies of prisoners’ wives in the United States in particular have underlined the women’s commitment in aiding their loved ones behind bars notwithstanding a multitude of economic, social, psychological, and health problems they faced (B. E. Carlson and Cervera 1992; Comfort 2008; Girshick 1996). Thus, it remains

unknown the emotional processes in which the families come to provide avid support to the offenders while experiencing serious emotional distress in the aftermath of crime. The tendency of the previous literature to focus on the *prisoners'* families rather than the kin of arrestees, detainees, probationers, and parolees partially explain the exclusion of any emotional altercations that take place before and during the families' provision of offender care. Nonetheless, little is known about the family members' intricate processes of emotional adjustment, especially to their commonly expected role of an offender care provider. The past studies' dualistic portrayal of the families' emotional reactions renders an overly simplified image and fails to explain how the offenders' kin channel their complex feelings into ardent offender assistance or the secession of their support.

Examining the relationship between prisoners and their families, Christian (2005) observed that the prisoners' families experience a double bind as their effort to maintain their ties to the prisoner could curtail their resources to support the other family members, children in particular. Due to the financial and emotional difficulty of looking after both the prisoner and dependent family members, women's support activities waned as time went by, until the prisoner was released. Similarly, Fishman (1988) found that the wives of prisoners responded to their husbands' re-arrest after release with mixed feelings, reporting agony, resentment, and relief, which indicated that the families of offenders often feel a complex set of emotions toward the offenders, as they try to adjust to their kin's constantly changing carceral situations. Thus, these studies suggest that the emotions experienced by the families of offenders and prisoners may be more complex than previously shown.

The study of children and young people who sexually abuse others has also shed light on the conflicting feelings experienced by the family. Researchers have found that offender's

parents felt a significant amount of ambivalence toward their children, victims, as well as the intervention specialists (Burnham, DeBelle, and Jamieson 1999; Hackett, Phillips, and Masson 2014). Likewise, Fukaya (2009) observed that the wives and mothers of offenders in Japan felt torn between the hope for lenient sentencing and the guilt toward the victim, which rendered them difficult to articulate their emotions especially during the trial. Moreover, in her study of women visitors at San Quentin State Prison, Comfort (2008) introduces the prisoners' wives' continuing ambivalence toward the penal system, which "...distorts their personal lives but also serves as a means of forging a prized intimacy unique to carceral circumstances" (p. 16).

The past research suggests that when a crime is committed, ambivalence is evoked among the family members of offenders as one of the most prevalent emotional reactions toward offenders, victims, and the criminal justice institutions. Yet, the use of ambivalence in the literature of offenders' kin as a theoretical framework largely remains limited and falls short of conceptualizing how the families of offenders encounter, deal with, and eventually gain from of experiencing ambivalence.

Sociology of Ambivalence

The term ambivalence was coined and introduced into psychoanalysis by a Swiss psychiatrist Eugen Bleuler around 1910 (Rosenzweig 1938). Freud (1952) later applied the concept to psychoanalysis and noted that ambivalence is "the coincidence of love and hate towards the same object" (p.), arguably the father complex being the most prominent source of it. Critiquing Freud's conception of ambivalence for taking the social structure as a given, Merton and Barber (1976) argued that sociological ambivalence derives from different and contradictory socially-structured roles and statuses that people occupy. Although the most basic

form of sociological ambivalence springs from the conflicting demands within a role, another more investigated type entails “a conflict of statuses within a status-set (i.e. the set of social positions occupied by each individual)” (p.9), such as women’s conflicting role-set of a mother and an employee.

To many theorists, ambivalence also represents variance and even chaos, as opposed to order in the modern age. Weigert (1991) argues that ambivalence is a major characteristic of modernity, as the pluralistic multiverse gives rise to “a complex of possible meanings with different plausibilities associated with, not just many, but contradictory emotional meanings” (p.6). With many plausible meanings to attach and emotions to feel in a given situation, modern individuals often face dilemmas that pull them in two opposite directions. Pointing to the characteristic of ambivalence that gives rise to many possibilities, Smelser (1998) emphasizes that ambivalence allows social scientists to understand significantly more about human behavior, transcending the simplistic and unified explanations provided by the rational choice perspective.

As ambivalence is more likely evoked in intimate relationships (Merton and Barber 1976), the concept is widely applied in the literature of family and in particular, generation studies. To Luescher and Pillemer (1998), ambivalence represents “a general orientation to the subject of intergenerational relationship” (p. 414) rather than a mere theoretical concept and they propose to use ambivalence as a tool to move beyond the love and hate binary in the field. Connidis and McMullin (2002) suggest that ambivalence is evoked as a consequence of shifting powers in the intergenerational family. Examining elderly care in Japan, Traphagan (2010) argues that the older Japanese who are primary caregivers for their frail family members sometimes choose suicide as a strategy to resolve the feeling of ambivalence. Most recently, Hillcoat-Nallétamby and Phillips (2011) have revisited ambivalence as a social construct and

emphasized its relational aspect. They argue that the notion should be considered “as a concept with dynamic, transformative and temporal dimensions, and as one which represents the interface between individual experience and group belonging” (p. 45). Paying particular attention to the fluid and relational nature of ambivalence, this chapter closely examines the affective processes of the offenders’ families in Japan as they struggle to overcome family tragedy. Moreover, this chapter tries to diversify the conceptions of familial experiences, by avoiding the binary of support/nonsupport or love/hate.

Sources of Ambivalence

Families’ Complex Emotions and Relations

Sociologists emphasize the complexity of emotions by pointing out its relational nature (Burkitt 2002; Turner 2007). One’s emotional responses to an event can make sense and have meaning only in a relation to others (Burkitt 2002:151–52). In this study, the families’ emotional reactions to their kin’s crime fluctuated frequently and suddenly, as they interacted with the offender, victims and their families, and other relatives. For instance, looking cheerful and lively, Ryoko, whose son was arrested and incarcerated for murder along his associates, discussed one day at a family circle how her situation was improving because her son seemed to be doing well in prison and even tried to make amends with his sister by writing a letter of apology. When Ryoko showed up at the family circle two months after, however, she was displaying completely different emotions. Observing her I wrote in my field notes:

Ryoko came earlier than the other participants. She just sat at the table, not talking or interacting with anyone else while she quietly waited for the meeting to start. Her facial expression is stiff and she looks a bit down, especially compared to the last time she was here. I wonder what has happened to her. She listened to others talk, nodding slightly with her eyes closed and brows furrowed, as if their agony resonated with her on a deeper level.

In this meeting she revealed that the victim's family came to visit her, which explained the sudden change in her demeanor. The shift in Ryoko's emotional state was influenced by three factors; her son's carceral situation, her son's relationship to his sister, and the actions of the victim's family, which were both unpredictable and uncontrollable. Due to her relationships to the offender, other family members, and the victim, her feelings were constantly changing and rendered vulnerable to an array of external and unforeseeable events.

Family members' emotional state shifted also due to their interactions with the criminal justice system. From arrest to trial to sentencing to imprisonment, the family members' feelings are constantly altered at the hands of the criminal justice agents. Furthermore, the community members can also affect offenders' kin's emotional status, especially when they were confronted, criticized, and shunned due to their relation to an offender, as described in Chapter 5. Thus, to be related to an offender means to form a complex, opaque relationship with different actors, each pursuing their own interests. Perhaps due to their expected supportive role in the criminal justice procedure, the family members are often thrown into the intricate web of relations and become emotionally torn between various actors, which leads to an intense feeling of ambivalence.

Perceptions of Causes and Conflicting Statuses

Attribution theories of emotions posit that different emotions are evoked not only based on the event itself but also the perceived causes of the event (Lawler, Thye, and Yoon 2008; Turner 2007). According to Brody (1999:24), for example, perceiving others as the cause of unpleasant events evokes anger whereas seeing themselves as the cause engender regret and guilt. In the case of the family members of offenders in this study, they exhibited the mixture of *both* emotions, displaying somewhat conflicting views about the causes of their kin's criminality.

While the families blamed themselves and shared at least partial responsibility for the offense, they also expressed anger toward the offender for severely disrupting their lives as a result of committing a crime. The simultaneous presence of the sense of victimization and the feeling of responsibility essentially translated to a conflicting status set occupied by the study participants as the offender and the victim.

According to Merton and Barber (1976), the most popular form of ambivalence emerges as a conflict “in which the interests and values incorporated in different statuses occupied by the same person result in mixed feelings and compromised behavior” (p. 9). When Ryoko’s daughter received a letter from her imprisoned brother, Ryoko explained that her daughter as “having a dilemma” and that she felt angered by her brother but also sympathetic toward him. Knowing that her brother’s action severely damaged her, she felt repugnant toward him. But at the same time, the sister sympathized with his situation and even felt that she was somewhat to be blamed. Occupying the conflicting role-set of the offender and the victim, Ryoko’s daughter was caught in a binary, feeling exceedingly ambivalent about her brother.

When victims and victim’s family confronted the offender’s families and demanded an apology, the study participants most strongly recognized their responsibility for the crime or for at least providing an apology and thus, saw themselves virtually the same as the offender. Ryoko recalled an experience of encountering the victim’s family on an anniversary of the victims’ death as follows:

The victim’s mother came over to my house. Our lawyer told me that I don’t have to become a slave for the victim’s family so I didn’t open the door. It would be painful to have her at my house but I also felt guilty when I sent her back. Two feelings always coexist inside me. I have to figure out how to deal with them. I want to escape from unpleasant things but I question myself for doing that. Like, is it alright if I’m just sitting here? Am I allowed to laugh? I wonder maybe there’s something else I should be doing.

In Ryoko’s case, the victim’s family visited her house despite the obvious absence of the actual offender, as he had already been convicted and imprisoned. This is to symbolically recognize

Ryoko as the proxy for the offender in demanding an apology. Recognizing the symbolic meaning of the victim's family's visitation, Ryoko became increasingly ambivalent if she should compromise her behavior and apologize in place of her son. Emi, whose younger brother was convicted of murder, said that she felt grateful toward the victims' family who said that they saw Emi and the rest of the family as victims, rather than the offender's family who bare the same responsibility as the killer. Even appreciating the statement of forgiveness and understanding, however, Emi remained ambivalent toward her brother. She explained that the kind gesture of the victims' family made her feel even more repulsive toward her brother and frustrated about his seemingly slow process of reform. Emi continued to feel ambivalent, identifying herself both as the offender and the victim, depending on the social context in which her feelings were evoked.

Essentially, the majority of mixed emotions felt by the family members can be explained through the conflicting and binary role-set of the victim and the offender. Similar to the parents and siblings of offenders, in this study, the wives also reported a sense of betrayal and victimization, especially in regards to the damage done to their children as a result of their spouses' commission of a crime. When Asako was asked about her thoughts on her husband, she spoke that sometimes she sees him as "a devil who wears the mask of a saint" (*zennin zura shita akuma*). In the same interview, however, she also said that she feels "sorry for him" about the enormous pressure he had had to cope with at work, which she understood as a reason for his offense. These findings suggest that the emotional experiences of the family members of offenders are intrinsically associated with ambivalence, as the world of crime often separates those who are involved in the criminal justice system into victims and perpetrators (Comack 1999). Therefore, it can be argued that the dualistic nature of the criminal justice system that

treats actors within a victim-offender binary essentially creates conflicting role set and thus, ambivalent experiences for the families of offenders.

Change

Congruent with Hillcoat-Nallétamby and Phillips (2011)'s assertion that ambivalence often springs from historical and prospective interpersonal relations, the study participants' past relationship with the offenders as well as the future prospects about the offenders' reform have indeed caused a great deal of mixed emotions. For the parents who had exceptionally strong ties to their children and have been providing the offenders intimate support for an extended period of time, the children's independence after release represented a major change in their lives. Fearing the possibility of relapse and recidivism, but at the same time determined to respect her son's autonomy, Mayumi spoke at a family circle as follows:

My son has a problem of drug addiction. They [people at the rehab] tell me to leave him be. ...As a parent I now know that I was just trying to save my face [by controlling his drug use]. But I have to change for my son. Maybe letting him live by himself is a good thing. I no longer write letters or visit him at the prison. He did write to me once saying that he wants to make his own decisions in life. He wrote, "I loved Mom who let me do whatever I wanted but..." I will do my best. But once, only once, I went to the prison to see my son but turned around at the entrance and came home.

Among the family members of drug offenders, such concern was extremely common. In the addiction community, the unwillingness of the parents or family members to cease their effort to control the drug addicts' behavior was commonly explained by the rhetoric of codependency. As a result, the rehab staff members' default response to such families was to recommend that they create space between them and drug addicts. Some benefited from this guidance by using it as a justification for balancing their support activity and their own life. But others, especially those who recently joined the support group, became extremely ambivalent about the child's independence. Torn between a seemingly conventional way of dealing with a family problem—

providing avid support—and a recommendation provided by the members of the addiction community—to relinquish any control over addicts, the overwhelming number of the parents of drug offenders expressed ambivalence in family circle meetings and personal interviews.

Just as the secretive nature of capital punishment in Japan was related to the public's ambivalence about the penal policy (Kita and Johnson 2014), the secrecy that surrounds Japan's penal system fed into the families' ambivalence in this study. The prohibition of contact visits and the screening of mail at the correctional facilities prevented the family members to obtain a clear picture of offenders' rehabilitation process and be part of any post-release planning procedure. Moreover, the unknown and changing states of their children in prison made the parents extremely anxious and drew them closer to those behind bars, as was the case for Mayumi. With no other option but to rely on the criminal justice system to control their kin's behavior, the family members complied with the decisions made by the agents of control but remained ambivalent about the punishment inflicted on their children. As discussed in Chapter 5, the families sometimes appreciated the penal system for its rehabilitative and incapacitative functions. However, even when the families expressed their gratitude toward the agents of control, they continued to have conflicting feelings about the treatment of their kin within correctional institutions.

In this study, even release from prison—seemingly a positive event in the life of offenders' families—became the source of ambivalence as it represented the critical moment of change. Prison release represented both risks of recidivism and possibilities for desistance, which caused the study participants to simultaneously experience fear and hope. The families also became torn when they experienced the influx of information and recommendations as they discovered family support groups. Coupled with the conflicting status-set, this change-induced

ambivalence rendered the family members increasingly exhausted and frustrated. According to Parsons (1951), role conflict may indeed lead to "...the development of ambivalent motivational structures with their expression in neuroses, in deviant behavior or otherwise" (p. 282). Although the study participants did not engage in deviant behavior, some did experience psychological distress in the process of coping with the emotional consequences of kin's crime. However, others were successfully able to curtail ambivalence and even obtain a better sense of control by resorting to various means including repression, humor, and meaning construction.

Resisting Ambivalence

Repression

Ambivalence derives from numerous factors that surround the family members of offenders, over which they have generally no control. However, the study participants dealt with ambivalence with all they had. Elaborating on Freud's notion on ambivalence, Smelser (1998) argues that repressing, displacing, projecting, or splitting either the positive or negative side of the ambivalent feeling are the chief means of resolving ambivalence. In this study, the repression of the positive side or affective emotions manifested as an abrupt secession of ties between the family members and offenders. Yoshiko told that one day she left a letter to her husband and drug-abusing son and never returned home. Having dealt with her son's delinquency and her husband's indifference toward his son for a number of years, she stated that she left her family "because it was past [her] limit and couldn't take it anymore." Although Yoshiko severed her tie to the family voluntarily, at least twelve others did so upon receiving recommendations from drug rehabilitation programs. While those who cut off ties against their will continued to feel

mixed emotions, they reported that their emotions eventually stabilized and ambivalence diminished in the end.

In a similar vein, another way of resolving ambivalence reported by the study participants was what Katz (1981) called “ambivalence-induced behavioral amplification”, an exaggerated response to the feeling of ambivalence toward stigmatized individuals. This hypothesis, which was later supported by experimental psychologists (Bell and Esses 2002), posits that those who feel ambivalent toward minority groups such as African Americans, handicapped persons, and indigenous people respond to the minority groups in an exaggerated manner, either in a negative or positive way depending on the circumstances. This was exemplified in the account of Yaeko, whose son was convicted of fraud. At the first family circle meeting that she attended shortly after his arrest, she expressed her complex emotions as follows:

I could not stand the idea of seeing him at the court so I didn't go. My sister went instead but I think there is a dilemma that only a parent and a child can understand. [...] We started exchanging letters but because of the censorship, he just writes letters to please me. He also demands money where he should be managing it himself. I think there is some truth in calling prisoners tax thieves. I just can't stand things like that [him asking for money]. ... They should not even be making money in prison because they deserve it.

She displayed strong disdain toward not only her son but also transgressors in general, but she still showed concern for her son, asking her own sister to go to the trial in her place. In another family circle meeting, she explained that her son was a competitive swimmer in high school but had suffered from athlete burnout in college, which she understood as a reason for his criminal involvement. Understanding that her son was not a natural-born criminal, she had a difficult time digesting love and repulsion at the same time, and resorted to “behavioral amplification” as a way to resolve the emotional tension.

For others, their extreme response was to repress the negative feelings toward the offender and completely dedicate their time to the offender support activities, sometimes beyond their ability. It was a much more common approach than the other methods explained above, as

the family members often internalized the normative idea that the family should help each other or at least be concerned about one another's wellbeing. The criminal justice authorities and legal experts, who also shared this family ideal, often prompted the family members to repress resentment and devote everything to offender assistance. This was most clearly exemplified in the case of Mitsuko whose husband was charged with indecent exposure. After having her husband released on probation, Mitsuko confided in the members of the family circle as follows:

I feel extremely stressed out because I am with my husband 24/7. I don't know what to do with my feelings. I had been sensing that something odd was going on with him but when the police notified me, I was like "What? He was doing a thing like that?" And then I became very afraid if he'd commit suicide. He says he doesn't know why he did it, either. It was our attorney, I believe, who recommended that I quit my job, sell our car, because it [his offense] involved the use of the car, and closely monitor him all day everyday.

Mitsuko's experience suggests that the criminal justice and legal authorities exploit the family members' feeling of ambivalence and use it to their advantage in order to obtain a narrative that fits the positivistic and androcentric legal discourse (Smart 1989) to clear the case rapidly and smoothly. As much as the attorney's command sounds unrealistic and almost absurd, Mitsuko complied and continued to feel agonized, to the point where she had to seek outside help. As Mitsuko and other avid supporters of offenders in the study have shown, this method was not particularly effective in curtailing ambivalence. The majority of such individuals later faced the reality that no matter how passionately they assisted the offender, there was no guarantee of reform or recovery. This realization led to disappointment and even more intensified feeling of ambivalence.

Humor

In this study, the families used humor as an effective way to resist and cope with ambivalence. This might sound odd given the fact that the family members gather at family

circles to express emotions such as agony, sadness, and anger. Indeed, the meetings generally carried a somber mood and new participants were usually devastated to the point where they cannot even utter a word. To my surprise, however, I found that long-term support group members laughed and joked about their past experiences quite often. Moreover, I observed a number of occasions where the first timers expressed bewilderment, as they simply could not comprehend why others thought law breaking could be a laughing matter. In one family circle meeting at the drug users' family support group, the participants spoke as follows:

Participant 1: This is my third time coming here. For us, it's our son, who is using, uh, what you call *kiken doraggu* (synthesized marijuana)? Yeah. When we found out, we tried everything we could, visiting this shrine and that shrine. Someone told us that there was this shrine in Gunma prefecture that performs miracles. So we even went there. *[Everyone chuckles]* But what I learned today was that a higher power is something we have inside, not about passively asking for miracles. So I want to use this opportunity to reconsider my relationship with the family.

Participant 2: We have a son who's thirty-three now. When I first came to a family circle meeting, I saw everyone laughing. I thought to myself, there must be something wrong with these people! *[Everyone bursts into laughter]* I was like, are these people crazy? *[laughs]* Because when it's just three of us, with our son, we usually get sort of like, depressed.

Participant 3: *[Bubbly with a smile on her face]* It was Yamamoto-san who told me about this family support group. Back then, I used to cry all the time, even at family circle meetings. Mine *[her son]* has been to the police *[arrested]* twice. When he ran away from the rehab, he stole a car and got charged with... I don't even remember! *[laughs]* That's when he got taken care of *[arrested]* by the police. When he ran away, he also did all sorts of things, like trying to break into our house. I wasn't going to get persuaded by him so I didn't say a word to him. Then he gave up and because he was part of the yakuza, he sought shelter from them but the boss was also inside *[the prison]* at that time! *[laughs]* [...] A few days ago, his rehab's group leader had his tenth anniversary of being clean and my son had sent him a letter congratulating him. I asked the group leader if he said something about me in the letter. He said my son just wrote, "Keep working on the twelve step program, Mom!" *[Everyone bursts into laughter]*

In the statements above, the three participants looked back on the past and reinterpreted their experiences as a drug abusers' family who now know more about addiction. In the course of reframing their past experiences, they often laughed at their ignorant and inexperienced old selves, taking a step back from themselves. This is similar to what Goffman (1961) calls "role distance", which Coser (1966) elaborated on by arguing that humor functions to detach the stakeholder from sociological ambivalence or conflicting role expectations. In the case of the

family members of offenders, humor allowed them to create a boundary between themselves and the socially expected role of apologetic and ashamed offenders' kin. At the same time, laughing at their kin's and their own situation, which would be an extremely unfortunate event for others, also enabled the families to distance themselves from the self-imposed status of mistreated and damaged victims. Away from the conflicting role set of the offender and the victim, they were able to regain a sense of control in their lives and even recreate their own identity.

Humor also served various functions for the offenders' kin, other than resolving their ambivalence. In the above case, the participants chuckled at the first speaker's anecdote because they resonated and empathized with his narrative. By laughing inwardly at the things only the families of drug users could understand, a sense of unity was evoked. Similarly, when laughter was shared among the long-term participants as the second speaker joked about them, their group identity was reaffirmed. This confirms a sociological contention that humor is a way to express things that are usually not accepted by the general public (Koller 1988) and thus, is used to "reinforce group identity and foster a sense of cohesion" (Witkin 1999:103).

The third speaker used humor as a cushion to minimize pain and to distance herself from the painful and agonizing memories. This is also a common usage of humor and joking. Examining Black humor, Bowels (1994) argues that, "[humor] provides distance and boundaries against pain..." and that joking about racist stereotypes created by whites, allows the African American communities "to offer self-affirmation by minimizing their significance and how utterly ridiculous and unreal they are for Black people" (p.8). According to Berger (1993), humor also comes with healing. It depressurizes hostility between individuals, helps people deal with intense emotions such as anger and anxiety, and makes life more bearable. Because laughter is also a distinctively a social action, the speakers as well as the listeners create a social

environment, in which they can laugh (Mulkay 1988). In the case of drug offenders' families, the long-timers initiated such a process of enabling humor and laughter by exerting their power over new joiners.

However, it has to be noted that the use of humor was more salient in the drug offenders' family support groups than the other two field research sites, the support group for juvenile delinquents' families and that for more serious offenders' families. This was perhaps due to the fact that the former group is equipped with the language and conceptual framing to articulate their experiences, as they are part of the drug rehabilitation industry with rich history and resources. Moreover, they were more cohesive, gathering around the specific type of crime—drug use—and shared distinctively similar experiences. Thus, when the family members of drug users discussed the phases that they have gone through using the same language through shared frames, other participants had a much more ease in resonating with them than the study participants from the other two groups. Those who attended the serious offenders' family support groups and the juvenile delinquents' family support groups lacked the “role partners” (Goffman 1961) or the peers who share the same social context, in which the crime was committed and its consequences experienced. The participants of these two groups were diverse, including the wives whose husbands committed sex crimes, the parents whose children who committed assault or murder, and the families with those who are in between delinquency and more serious deviance. Such heterogeneity made the participants difficult to resonate with one another and rendered them more cautious not to offend others, which in turn prevented humor and laughter.

Meaning-making

Weigert argues that ambivalence represents “a psychological stage between the old and

the new, and the struggle to give meaning to bewildering events” (1991:25). When the family members find out about their kin’s offending, which often occurs out of the blue, they are first hit by shock and confusion (Condry 2007). In this study, the majority of the participants held stable and respectable occupations and were of middle class with no prior criminal record in the family. Unselfish and hard working, they embodied Japan’s culture of conformity and interdependency. To these people, crime was something utterly foreign and unexpected, something that challenged their worldview and philosophy of life. Both in interviews and at family circles, the families frequently voiced their frustration and bewilderment at kin’s offending. Teruyo, a librarian whose son had been arrested for assault and robbery expressed her puzzle about her son’s deviance as follows:

Those who come to the family group, well they are mostly mothers but they all are so polite and respectful, aren’t they? Yeah. This goes for me too, but I honestly do not understand why it had to be my son. [*laughs bitterly*] If anything, I feel as though I have done everything I could to raise my son in a conventional way. But everything that we did for him was wrong and meant nothing. That was how we felt at first, yeah. I think it hit my husband hard as well, since his profession is in childcare.

As the law-abiding study participants grappled with the enigma of having a law breaker in the family, they attended numerous lectures, seminars, and therapy sessions by medical providers, educators, addiction experts, offenders family support groups, and ex-offenders themselves. Refereed to as framing agents, these actors inform the family members the “language, adaptive skills, and practical knowledge that shape how individuals interpret a new life condition and whether they ultimately see it as a platform for growth” (Watkins-Hayes, Pittman-Gay, and Beaman 2012:2030). Although the search of a cause was oftentimes unsuccessful, these agents nonetheless prompted the family members to reframe their own life and come to terms with their own experiences of pain and marginalization. Though crime was unheard of among the participants of this study, the experiences of family violence, alcoholism, and other family-related issues and trauma were commonly reported. Coming face to face with these painful life

experiences, the study participants attributed their endeavor of self-discovery to the offenders. Some even understood that deviance might have been the only possible way to manifest such deeply hidden, unacknowledged problems within the family. This process of adaptation to kin's crime through the rhetoric of "appreciating the offender" eventually led to a greater sense of control and emotional equilibrium among the families.

Wakako, who sees a family therapist regularly as a result of her son's incarceration for assault, discussed the issue of family conflict as follows:

My [eldest] son is in a medical prison right now but he wants to move in with me when he gets out. I currently live with his younger brother but he says he could never live with [his eldest brother], for he couldn't think of having him in the next room all the time. So my heart gets torn with a thousand different sentiments. [My youngest son] has indeed helped me a lot when I was at the very bottom. But my daughter also says, "Why are you living with him [the youngest brother]? You were always caring for our little brother and not for us..." This is her showing *[pause]* anger, I guess. [My son's crime] might have triggered to reveal the core problems within my family.

Having been exposed to domestic violence growing up, Haruko explained in detail how her daughter's addiction in the end helped her gain a greater understanding of her life. She recounted:

Yeah, so I gotta thank the addict [her daughter], don't I? If you think about it, it's not just my family; it's generational. My father is authoritarian but my grandfather, he had problems of... drinking and women... *[chuckles]* Because my father grew up in that kind of environment, maybe he became the way he is. My mother, she was so sweet but only thing she did was to endure. She did run away once, carrying our youngest brother on her back. I know that. I also know that she used to get beaten up by my father until she bled... She also used to just ignore us and not talk to us when we misbehaved, which I absolutely hated. But now, I am gradually starting to understand her. Of course I might have been able to comprehend her even if I haven't experienced this but there are a lot of things that I now can understand, because I went through my daughter's addiction. [...] If it weren't for this, I would have become such a self-conceited woman. I know this for sure. Back then I was like, "I'm a registered nurse and I work at such-and-such a place!" [...] So the good thing that happened to me was, um, simply becoming able to appreciate that I'm alive and, also, the fact that it has made me easier to live in society, or at home. Before that I didn't even know I was in pain. Yeah. So I'm glad. Very. I'm actually happier now than when her addiction and eating disorders had not surfaced, when nothing was going on in our lives.

Losing both of her parents to suicide and illness in her teens, Noriko has been dealing with grief and trauma throughout her life. But when her son's delinquency suddenly disrupted the ideal family life she had finally obtained, she was prompted to reason even more about her life and its

larger impact on her family. She explained:

You think and act based on what you have experienced, right? So, um, if you wanted to...change... the basis of your thinking, coming to places like this [the support group for parents of delinquent children] is really valuable, yeah. It lets me see, um, things from a different perspective, with a different way of thinking. [*lowering her voice*] Delinquency is not just about the child, you know? There are many different characters in the story. Delinquency just happened to be the central issue, when a lot of people were interacting and a lot of things occurring. So when something happens, you want to be strong but you can't act strong all the time and you don't know what to do. That's when somebody else's different point of view helps shift your emotions or thinking. That's what I have to keep learning, I think. This is something you only learn when you are actually in this kind of situation. But when I realized the importance of that [looking at things from various perspectives], I gradually began to be able to imagine my son's and my daughter's feelings.

In the course of searching for a cause, the family members were compelled to dig deeper into their own life experiences, well beyond the actual reasons for kin's crime. Ambivalence led to more thinking (Smelser 1998) and during the process, they eventually discovered the meaning of the crime committed by their family. This practice of coping through meaning construction is not unique to the participants of the current study. Examining ex-offenders who continue to desist, Maruna (2001) found that "the belief that suffering can be redemptive" played a critical role in constructing powerful narratives to not reoffend (p. 98). Miles and Crandall (1986) have also found that the "existential search for meaning" in the aftermath of losing children can lead to the parents' potential growth, fostering the feelings of compassion and optimism. The mothers who lost their children with disabilities also made sense of their loss as "something that helped them re-establish their belief in benevolence and purposefulness of the world" (Milo 2000:126).

Whether the families' previous experiences of pain actually led to the offense or not, reconsidering their lives with the help of framing agents eventually made the family members see the significance of their kin's offending. A revelation that the crime might be the manifestation of a number of interwoven familial issues that they cannot fix also liberated them from the heavy burden of looking after the offenders. Recognizing that the transgressors would be better off in the hands of professionals, some family members withdrew their support without

guilt (Karp and Tanarugsachock 2000). Moreover, many families inevitably accepted the fact that they were far from living a perfect, respectable life and even recognized their new purpose as advocates of alternative ways of viewing things and living life in Japan.

Positive and Negative Consequences of Ambivalence

Despite the more familiar, negative feature of ambivalence that renders individuals anxious, conflicting, and emotionally volatile, this chapter also highlights ambivalence's positive functions. It prompted some of the study participants to look for the meaning of their kin's offending and adjust to the new reality by gaining alternative perspectives of their life, family, and Japanese society. As Weigert (1991) notes, ambivalence showcased "confidence to confront to both sides of an issue; ability to weigh alternative points of view and give each its probability; and strength to admit that there is no morally certain line of action" (p. 22). But these multiple functions of ambivalence for families in turn raise a question about the functions of ambivalence for Japanese criminal justice. One implication is that ambivalence tends to be disregarded by the actors in the criminal justice system and thus, the family members' narratives may be oversimplified and modified in the course of the criminal justice procedure. As modern society tends to take ambivalence as "a sign of weak ego, muddled values, or cowardice" (Weigert 1991:22), legal experts and law enforcement personnel are likely to ignore the families' emotional tensions and even take advantage of them to pursue their interests of rapid and smooth criminal justice proceedings. As a result, the offender support responsibilities are placed on the shoulders of the family members, further legitimizing the lack of governmental effort in offender rehabilitation.

This point leads to another implied function of familial ambivalence for Japan's criminal

justice. It is well documented that the family members of offenders play a crucial role in the process of prisoner reentry and rehabilitation (Naser and La Vigne 2006; Shapiro 2001). The stronger the family ties, the better the chances are for ex-offenders to do well in society (Arditti and Few 2006; Duwe and Clark 2013; Hairston 1988; Visser 2013). However, the findings of the current study render another layer to this well-documented criminological fact. It can be argued that simply because there is a family who seem able and willing to support offenders does not necessarily mean that they wish to do so, after taking into consideration various factors such as relations with other family members and the victim, their own life events and career, and the longevity of their kin's deviance and delinquency. It has to be made known that just as the ex-offenders wonder if they should reoffend or not (Burnett 2004), the offenders' kin go through a dilemma of providing offender support. Thus, this chapter highlights the importance of recognizing the family members' signs of ambivalence and easing them through family counseling, interventions, as well as referrals to various family support organizations. Only after the family's emotional state was carefully assessed and any issues addressed, they should be given options to provide more direct support or remaining peripheral in the process of offender reintegration. Ambivalence felt by the families should never be exploited by the criminal justice authorities and legal experts as a reason to push them into time-consuming, stress-inducing, and financially-burdening offender support activities.

Resisting the Criminological Dualism

This chapter explored emotional consequences of crime on the offenders' families in Japan. In doing so, it highlighted more mundane and subtle, yet complex emotions evoked in the process of offender rehabilitation or parole planning. Scholars as well as practitioners must

carefully evaluate not only the physical and financial strains but also the emotional burden they might be placing on the family when they use kin as a primary resource in offender rehabilitation. Additionally, this chapter stresses the importance of moving away from the victim-offender binary that pervades academia and the criminal justice system (Comack 1999). This dualism not only becomes the major source of ambivalence for offenders' kin but also leads to the disregard of complexity in the emotional experiences of victims and their families as well as criminal justice agents who might feel conflicted about their duty to control and punish (for example, Beck et al. 2009:223–24). The narratives that do not fit neatly into the binary are seen as irrelevant and lost in policy debates and criminal justice procedures (Smart 1989).

Furthermore, the conflicting role-set that derives from the dualism that is deeply embedded in the culture of control may prevent the families of offenders from forming a social identity, an essential ingredient for social movements. Thus, examining the intricate emotional processes of individuals in the wake of crime is not only crucial for empirical purposes, but also for promoting social change; that is to break down the offender-victim boundary and provide holistic healing to all persons whose lives were touched by the criminal justice system.

CHAPTER 9: REFORM

Delayed Support

During the twenty months in Japan, I repeatedly encountered the study participants who regrettably said, “I wish I had known the family support group earlier.” This sentiment resulted from the families’ belief that they could have reacted to kin’s crime differently, had they known the right places to ask for help. The majority of the family members either had a tough time locating organizations that provide the kind of help they needed or waited to seek assistance until they felt the absolute need for it, as they were often overwhelmed by each step of the criminal justice procedure. Thus, by the time they finally searched out family support groups, things had already progressed into more serious crimes or sentencing, resulting in more severe emotional, financial, social, and health consequences for the kin.

From the narratives of the study participants, it was apparent that Japanese society’s structural and ideological problems rendered the process of obtaining support extremely difficult. Deeply caught in the sense of shame and familial responsibility, a father of a sex offender once exclaimed, “We can’t even openly look for criminal defense lawyers!” (*oode wo hutte sagasenai*). To improve the lives of those who desperately need assistance but are prevented by stigma and limited resources, this chapter delineates how the Japanese criminal justice system can be reformed both pragmatically and ideologically. First, I suggest that through interprofessional cooperation, restorative justice, and criminal justice social work, the families are better assisted even before their loved ones’ criminal activity comes attention to the police. Second, the need for a robust change in the way Japanese society deals with crime, especially

through rehabilitation and harm reduction, is highlighted. Additionally, the possibility of a fundamental social change elicited through the advocacy and action by the families of offenders in Japan is discussed.

Collaboration

The narratives provided by the participants of this study showed that their process of seeking adequate help was often delayed due to the lack of communication and cooperation between criminal justice, health, and welfare institutions. For instance, in the case of a drug offense, drug addict's problematic behavior had often come to the attention of hospitals, mental health clinics, public assistance programs, and other social services long before it became known to the police. But with no collaborative efforts to refer addicts to effective rehabilitation programs, the study participants were forced to merely observe their kin suffer from prolonged health and legal consequences of drug addiction.

Katsuko's son was an established drug addict and had been refusing to be admitted to a rehabilitation program for years. When he was finally diagnosed and hospitalized for manic depression, which he most likely developed as a result of the long-term exposure to methamphetamine, Katsuko recalled how frustrated she became with the lack of information shared by the health care providers and the welfare department. She explained:

So I made an appointment and went to talk to his doctor [at the mental health hospital]. I said that I am very grateful that his caseworker from the public assistance office and his doctor are both making so much effort to help my son. But having attempted to connect him to [the rehabilitation center] so many times without success, of course I am grateful but because there are people who help him, he doesn't hit the bottom [*taps the table with frustration*]! Even if he goes to [the rehab], he runs away and lives off public assistance. I've been studying about this and I know there are [addicts] who have lost their lives. [...] Hearing those stories, I am slowly preparing myself for the worst kind of scenario. I honestly do not know what I'd do if it actually happened. But at least I am learning, trying to prepare for that. So I told the doctor, my son is now living comfortably on welfare and that is why he doesn't hit the bottom. If you can, please consult with the caseworker and if he says he is not going to [the rehab], throw him away. If you have to cut his public

assistance, do that. That's what I told the doctor. I think he understood me. He said, "OK"
[laughs].

Although drug abuse treatment is entirely an individual choice, Katsuko's experience shows that the institutions that have touched the lives of drug addicts should be at least aware of their condition and provide advice to seek rehabilitation. Katsuko's narrative also reveals medical examiners' as well as public welfare employees' relative lack of understanding of drug addiction. Although the psychiatrist she was referring to in the above commentary was an exception, Katsuko added that the other doctors at the same hospital as well as other mental institutions said nothing about her son's need for drug addiction treatment. And thus, when he was checked into the same hospital a year prior with the diagnosis of manic depression, her son was merely treated for his psychotic episodes and released without referrals to any drug rehabilitation facilities. As a result, treatment was delayed and the family as well as the addict himself suffered from the prolonged effects of drug abuse.

Hospitals are not the only place where the families rush in for help when they discover signs of their kin's deviance or delinquency. As shown in Chapter 5, the police are commonplace for not only family members but also offenders themselves to reach out for urgent assistance. A mother of a juvenile delinquent caught with a habit of using crystal meth, Teruyo, recalled:

That day, I guess he was using [lowering her voice] methamphetamine. But after that, he became so crazy with paranoia and delusion that he called the police himself. He told them that he used drugs and wanted to be arrested. I think it was around midnight. So the officers came and questioned him. But I guess they had to catch him red-handed or something so they just left [laughs]. I didn't know what they were doing! They came and went like three or four times! [...] I was getting frustrated so I said, "He's told you so many times and it is clear that he is insane! I can't have him at home like this so please take him away. I'm begging you!" [...] Finally, at around six in the morning, this time the officers in plain clothes showed up. [...] They were carrying this thing, I guess, was a drug test kit? And they tested the ashes from the garbage bin that my son had shown to the police earlier. The result was not so apparent but they finally ended up arresting him. Yeah. I don't really understand everything that happened that night but [laughs bitterly] yeah, it was like a nightmare.

What this account highlights is the lack of places drug users and their families can call for immediate assistance. Even though Teruyo's son told the police that he wanted to be apprehended, I speculate that it was actually his desperate plea for medical attention. Also, what Teruyo wanted was a mere removal of her son from her home so he could be treated with proper care and the family members left with peace. A couple of months after this incident, Teruyo discovered the support group for juvenile delinquents' parents online and started attending their meetings. During her and her husband's lengthy search for help, no governmental institutions or social services that she had visited mentioned or referred them to support groups. The families' accounts emphasize the need for a system that effectively coordinates various social services beyond organizational differences.

The drug rehabilitation centers, as well as various family support groups, strive to reach out to the families in need by establishing interprofessional cooperation with the police departments, mental health institutions, and parole and probation officers. The result is, unfortunately, uneven. I have heard stories where the family support group members visit police stations only to find that their request to distribute their brochures was brutally rejected because "it would be unfair to other organizations." However, there are success stories as well. One drug rehabilitation center in Tochigi prefecture teamed up with the prefectural police department so they could refer the family members of drug offenders to their family support group immediately after the arrest. They also provide rehabilitation programs to detainees so they could use the time of detention more constructively. While the system to connect drug offenders to rehabilitation facilities and families to support groups is gradually being set up, a dire need remains for the family members of those who committed other types of crime. Moreover, defense attorneys,

public assistance departments in every town or city, as well as prisons should make an effort to share the information about family support groups and other social resources they could use.

Restorative Justice

Japanese society is well known for its restorative approaches to crime control and scholars have been singing its praises, as once Haley (1996) wrote, “No contemporary criminal justice system in any industrial state is as restorative as the Japanese” (p. 353). In Chapter 7, however, I have shown the extensive shaming and stigma perceived by offenders’ kin, contrary to the previous notion of Japan as a quintessential reintegrative society. Because the theory of reintegrative shaming underpins restorative justice practices, these study findings render Haley’s claim highly questionable. Johnson (2002b) has indeed challenged the assertion about the restorative nature of Japan’s criminal justice by referring to the cases he observed, where the victims of sex offenses routinely get pressured by prosecutors to settle outside the court. Here, I will further challenge Haley’s contention from the perspective of offenders’ families. I argue that what has been understood as the Japanese way of restorative justice cannot be achieved without the help from offenders’ kin, just as traditional justice cannot. In addition, I contend that the restorative practices used in the Japanese criminal justice system are not in accord with the fundamental ideas of restorative justice, which emphasize needs, accountability, and healing. Thus, programs that are based on the actual restorative justice principles are needed to not only restore the relationship between offenders and victims but also holistically address the needs of all stakeholders affected by crime.

According to Haley (1996), the main goal of Japan’s criminal justice system is to mediate and reconcile the victim-offender relationship through the restorative means of community

acceptance, reparation, and remorse. All these methods of victim-offender reconciliation cannot be produced without the constant effort made by the offenders' kin. Synonymous with offender reintegration, community acceptance was found to be largely the offender families' responsibility in this study. In Chapter 5, I have shown that the limited access to reentry programs and halfway houses compelled the offenders' kin to be in charge of community reintegration and recidivism prevention through close supervision. Those who max out of the prison terms especially have to rely on the family, as they could not benefit from parole supervision.

Making financial reparations to victims is another task often fulfilled by offenders' family members to achieve the goal of victim-offender mediation. Especially when the offender is a minor or unable to make monetary compensations, the offenders' kin routinely step in to compensate the victim. One case described by Haley (1996) as an example of restorative justice in Japan perfectly illustrates this: the parents of a robber-arsonist offered the American victim to pay for the entire property damage done by their son. In the current study, the family members shouldering the responsibility of compensating victims was also reported, especially in the case of juvenile delinquency and property crimes. Despite the fact that the families are not legally responsible to make monetary compensations, they often succumb to the pressure of the criminal justice authorities that actively seek reparations in any form to reach a quick and lenient settlement.

Finally, confession is also something that the prosecutors often rely on the families to procure, especially when the offenders are denying their guilt. Because the Japanese judicial system grants lenient sentences to those "who confess, display remorse, cooperate with the authorities, and compensate or otherwise reach an accommodation with their victims" (Haley

1998:852), the family members are often caught in the process of obtaining not only compensations but also penitent confessions, especially when the offender is unwilling to do so. Turn to an observation made by Johnson (2002b), for instance, about the man who refused to confess his substance use. In an effort to draw out a confession, the prosecutor sent for the offenders' nephew and other relatives who "rebuked him for using drugs and denying his transgression, urged contrition, and offered to let [him] live with them after his term of punishment ended" (Johnson 2002b:187). It is a practice also reported by some family members in this study, although in most cases the offenders admitted their guilt at the time of arrest. Illustrating how prosecutors in Japan go the distance to obtain confessions, Johnson (2002b) argued that remorse is significant to the judicial system in Japan for two reasons: it is believed to "correct" the offenders and it confirms the prosecutors' views about breaking rules and social norms. As a result, the criminal justice agents' fervent effort to obtain confessions routinely extends to the families. The authorities regularly turn to kin when they seek reparations and community reintegration as well, which are considered to be an integral part of Japan's "restorative" criminal justice practices. These judicial tactics, however, often ignore the voices of the offenders' kin and sometimes even the victims and contradict the fundamental principles of restorative justice that emphasizes needs, accountability, and healing of *all* stakeholders.

According to Zehr (2002), restorative justice is defined as "a process to involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible" (p. 37). While the three pillars of restorative justice are needs, obligations, and engagement, the restorative practices used in Japan are often limited to merely providing apologies and monetary compensations to victims. Moreover, they are primarily used as mitigating factors to settle cases

quickly by obtaining lenient sentences, rather than providing the stakeholders information, emotional closure, and healing through having their stories heard. Making a clear distinction between mediations and restorative justice, Zehr (2002) also stresses that forgiveness or reconciliation are not the goals of restorative justice. The current study provides evidence that Japan's criminal justice uses pseudo restorative justice to mold cases into the acceptable, accelerated, and accustomed way of doing justice.

There is a clear need for the development of a restorative justice program that is in more accord with the foundational ideas of restorative justice in Japan. As Zehr (2002) emphasizes, the ultimate goal of such a program should not be reparations or reconciliation. It should not focus on apologies, either. Indeed, an evaluation study in the United States found that almost one-third of surviving victims of sexual assault did not wish to hear an apology in restorative justice conferences and even if they did, the apology was seen insincere (Koss 2014). Hence, the program should emphasize providing the stakeholders' with the opportunities of storytelling to assess their needs and heal their trauma. The younger siblings of juvenile delinquents are particularly left out in the current process of offender family support in Japan, as they are likely to find it intimidating to attend regular family circle meetings with adults. To reach out to the perhaps most neglected members of offender's kin, family counseling and family conferences, which create a safe environment for children to speak their mind are also sought after. The necessity of using restorative justice in drug offense cases, which is often referred to as a "victimless crime", was especially highlighted in this study. As Chapter 8 has shown, many of the drug offenders' families viewed themselves as "victims", which in turn, rendered them increasingly ambivalent toward the offender. Families' experiences of being financially,

psychologically, and socially harmed in the wake of crime need to be acknowledged by the offenders, so the families and the community can work toward successful offender reintegration.

Holistic healing is what lies at the core of restorative justice. This notion entails not only restoring the relationship between victims and offenders but also mending the whole community injured by a crime. Discussing the possibility of restorative justice in settling capital crimes, Beck, Britto, and Andrews (2009) write, “In the aftermath of a horrendous crime, restorative justice requires all involved parties – offenders, victims’ family members, offenders’ family members, and community members (you and me) to wrestle with issues of accountability and repair” (p.221). Thus, the principles of restorative justice recognize the importance of repairing the victims’ family ties as much as the offenders’. One of the major tasks of a support organization for families of serious offenders (sex crimes and violent offenses) in Japan is to accompany the clients visit victims’ houses to apologize on behalf of the offenders who are often imprisoned at the time. The founding director of this organization notes that the victims can be aggressive and even abusive when they demand an encounter with the offenders or their families, as they are deeply hurt (Abe 2015). Set apart from the victim’s rights advocacy groups, developing a program that aids the actual process of victims’ healing is crucial not only for the sake of the victims but also the offenders’ kin. Through story-telling, obtaining truthful information, and the acknowledgment of the harm done by offenders, victims and their families might be able to form a better relationship with offenders’ families, which could also help the process of offender rehabilitation in the long run.

Restorative justice-based programs must always start with a scope of involving all parties that were affected by the particular offending. This includes the members of the local community in which the offense was committed, as they may feel that the safety of their neighborhood was

compromised. Their lives are also likely to be disrupted by Japan's invasive news media (Abe 2015). The conventional media practices in Japan often involve crowding around the offender's house for a chance to obtain a commentary from the family members and neighbors. In a highly dense country like Japan, this type of media scrum deeply disturbs the community members and engenders disdain toward the offender and more importantly, their families who must continue to live in the neighborhood (Suzuki 2010). Because the family members of offenders may be more vulnerable to informal sanctions than offenders themselves as shown in Chapter 7, a restorative justice based program is needed to acknowledge the harm experienced by the neighbors, address their needs, and provide accurate information as needed. Scholars argue that the media personnel should be identified as a major stakeholder in the restorative justice process, as media editors and reporters are responsible for creating well-balanced perspectives on the offense by incorporating more context into crime reporting (Beck et al. 2009).

Criminal Justice Social Work

In their examination of the families of death row inmates in the United States, Beck, Britto, and Andrews (2009) emphasize the need to "provide trained individuals to assist family members of victims, family members of offenders, offenders, community members, and criminal justice professionals in identifying their needs" (p. 225). In the United States, they are known as Victim Outreach Specialists (VOS) and Offender Family Outreach Specialists (OFOS). Led by the defense team, VOS listen to victims' stories and provide information that can only be provided by defendants, their families, and defense attorneys. They also assist victims' process of healing through assuring offender accountability and minimizing the chances of retraumatization caused by the criminal justice procedures. OFOS assist the family members to

navigate the criminal justice process. They work closely with a variety of criminal justice agents to ensure the fair treatment of offender' families and enhance their overall experience within the criminal justice system. Their close relationship with the defense team is crucial, as they can become the liaison between defense attorneys and defendants, the role often assumed by the family members of offenders. They also need to build a collaborative relationship with correctional officers to improve the prison visitation experiences for families. But OFOS's assistance *prior to* arrest is as crucial as the support during the criminal justice procedure, if not more. Beck, Britto, and Andrews (2009) argue that there is a great need for the individuals who can make referrals to various treatment and social services, such as rehabilitation centers, mental health hospitals, family counseling, or social welfare programs before the troubled individual gets apprehended.

Fortunately, there are individuals and organizations already fulfilling the similar functions as VOS and OFOS in Japan, including the offender family support groups, from which the participants of this study were drawn. However, one of the major differences between the service model available in Japan and the one suggested by Beck, Britto, and Andrews (2009) is the embeddedness of victim or offender family support specialists in the criminal justice system. In Japan, the specialists who provide such support are still detached from the authorities, although they are slowly making their presence stronger in the criminal justice setting by gaining the trust of the agents of control. There is a dire need for trained personnel who can work in collaboration with police, prosecutors, defense attorneys, correctional officers, as well as private/parole officers in assisting victims and offenders' families. Trained criminal justice social workers would be ideal to fulfill this role. In the US and UK, where the field of forensic or criminal justice social work is more advanced, interagency cooperation is considered as an

integral duty (Maschi and Killian 2009; Treger and Allen 1997). Following this social work ethos, criminal justice social workers in Japan would be most suited to collaborate with professionals across various fields such as schools, mental health care clinics, and addiction treatment facilities in effectively assisting families so they can avoid any unnecessary criminal justice contact.

The initial stages of Japan's social welfare system were established during the Allied occupation after the WWII. Experiencing the significant demographic change, there is an acute need for reforming Japan's social welfare system, incorporating its own culture and tradition (Matsubara 1992). With the introduction of new laws, however, Japanese social workers' integrity is being protected and their status enhanced. In the medical field, for example, the cooperation between social workers, care workers, and medical providers is mandated by law (Kyogoku 1992). The similar system can be established to help offenders, victims, and their families navigate the complex and obscure system of control. By providing certificates to those who are already providing such assistance, their legitimacy and status among the legal experts and criminal justice authorities is enhanced, which could, in turn, foster interprofessional collaboration.

It is important, however, to ensure that these certified criminal justice social workers are equipped with the accurate understanding of the nature of crime as well as empathy toward lawbreakers, victims, and their families. Thus, Japan's criminal justice social work should base its philosophical foundation on restorative justice. According to van Wormer (2009), the fundamental ideas behind social work and restorative justice overlap greatly, especially in the emphasis on social justice, which is enhanced by empathy for another's pain. The non-profits that provide support for offenders' families in Japan have already been exercising restorative

justice in various forms, such as family circles, family conferencing, victim-offender conferencing, and victim family-offender family conferencing. But such practices need to be translated into the law as a major aspect of criminal justice social work in Japan. As much as these social workers should be deeply embedded in the criminal justice process, it needs to be clear that their goal is separated from that of criminal justice agents. Rather than seeking ways to settle cases through victim-offender mediation, criminal justice social workers' ultimate task should be to minimize the harm caused by the crime itself as well as the subsequent criminal justice contact. Thus, their work does not start with arrest or end with conviction; it is much broader in scope. It is a continuous process of assisting families that face any issues that can lead to criminality.

Rehabilitation

Japan's criminal justice is often characterized by its emphasis on rehabilitation. Johnson (2002b) found that rehabilitation and reintegration of offenders indeed ranked fourth among Japanese prosecutors' objectives, which was starkly higher than how American prosecutors evaluated the salience of rehabilitation in their objectives (12th). Moreover, Japan widely uses lenient sentences, such as the suspension of prosecution, execution, or sentence, to deal with first-time or less serious offenders, leaving a huge room for community correction (Haley 1991; Johnson 1996). What this study found, however, was the enormous responsibility shouldered by the offenders' families to rehabilitate and reintegrate lawbreakers on their own. This suggests that while Japan's criminal justice may embrace rehabilitative ideals to a certain extent, it lacks resources and commitment to materialize programs for all offenders, regardless of the seriousness of their crime or the likelihood of reform.

In her study of a parole field office in California, Lynch (2000) found that rehabilitation was largely rhetoric provided by the agency. Suffering from the lack of resources, parole officers in California chose to rely on the use of coercive measures of control rather than addressing the socio-psychological issues of their clients to deter reoffending. In Japan, the process of parole is much less punitive than that of the United States, as illustrated in Chapter 5. In theory, probation/parole officers in Japan should be more suited than their American counterparts to provide offender rehabilitation because of the profession's informal and non-punitive nature. However, probation and parole offices in Japan are debilitated by serious lack of resources, much akin to the US circumstances. In 2016, the budget used for parole and probation in Japan was 25,276 million yen (\$252 million), which amounted to only 3.4 % of the entire budget for the Ministry of Justice (Ministry of Justice 2016). This was apparently made possible by the extensive use of volunteer probation/parole officers (VPOs) who receive no salary for their time-consuming and labor-intensive work. VPOs' primary duties include meeting with their clients in ensuring desistance and assisting ex-inmates in adjusting to new living conditions (Zenkoku Hogoshi Renmei 2010). When visiting offenders at home or prison, they receive up to 7,500 yen (\$75) per case to subsidize the cost of transportation (Ministry of Justice Ordinance 2014). When VPOs try to coordinate the living and working environment for soon-to-be-released inmates, which is potentially the most crucial step for successful reentry, they only receive up to 3,300 yen (\$33) per case monthly (Ministry of Justice Ordinance 2014). Not only are VPOs void of professional knowledge to effectively assist ex-offenders, but also greatly discouraged by the institution's lack of commitment and resources to provide any meaningful assistance other than showing mere moral support.

In 2015, the number of VPOs hit a record low of 48,000 persons, who were responsible for supervising 85,000 adult and juvenile parolees and probationers (Kōsei Hogo Nettowāku 2016; Ministry of Justice 2011). Despite the shortage of VPOs, in 2016, the Japanese government passed a bill that substitutes a part of prison sentence with a prolonged period of parole supervision in order to curb the prison population. Social commentators sound an alarm pointing to the already insufficient number of VPOs, halfway houses and rehabilitation programs, and medical services that specifically target drug addicts (Chikamatsu, Suzuki, and Wada 2016; Osaki 2013). VPOs themselves voice their concerns about the lack of specialized knowledge in assisting elderly offenders and those with mental health issues, disability, and addiction problems (Ishihara 2012). Some scholars go so far as to say that it is a virtual toughening of criminal sanctions, for it consequently extends the time ex-inmates will be under supervision (Morihiisa 2012). In contrast to America's profit-driven route of building private prisons and filling the beds with non-violent drug offenders, the Japanese government is seemingly taking the less punitive approach to prison overcrowding. But without the institutional commitment and more financial resources allocated to community-based offender rehabilitation, the new law would only punish ex-prisoners for reoffending and their families for negligence.

Not only government-sponsored rehabilitation programs in communities but also prison-based programs require a robust improvement in Japan. There are currently five types of rehabilitation programs provided inside correctional institutions in Japan: substance abuse treatment, vocational training, sex offender treatment, gang intervention, and educational programs from victims' perspectives (Correction Bureau of Japan 2011). It is welcoming that the century-old penal law, which was amended for the first time in 2004, now encourages prisons to provide inmates support and treatment necessary for rehabilitation and reentry. However, the

availability and accessibility of these programs remain a dire concern. An evaluation study of a nationwide sex offender treatment program revealed that close to half the population of all inmates convicted of a sex offense did not participate in the program (Correction Bureau of Japan 2012). In another evaluation study, only 1.2% of those who were convicted of sex offense participated in both prison-based and community-based sex offender treatment (Ministry of Justice 2015d). A compelling report by the Japanese Ministry of Internal Affairs and Communications (2014) also showed that vocational training is only available to 8% of the total prison population in Japan and merely 5.4% of them actually participated in these programs in 2013.

At four Private Finance Initiative (PFI) prisons located in rural Japan, offender rehabilitation is taken much more seriously than at public prefectural prisons. Unlike the United States where private prisons are entirely run by government-contracted, for-profit corporations, Japanese PFI prisons are maintained and operated by both private and public sectors (Correction Bureau of Japan 2011). While these prisons take an innovative, evidence-based approach to prisoner rehabilitation and reentry, the admission is very limited; PFI prisons house only first-time or less serious offenders, with a 5,000 persons capacity (Leighton 2014). Hence, the best possible offender rehabilitation programs available in Japan are systematically reserved for those who are most likely to respond to treatment.

The overall picture of offender rehabilitation provided by both public and PFI prisons suggests one of the endemic problems of rehabilitation effort in the Japanese penal system—its highly selective nature. Tagusari (2011) maintains that the limited accessibility of vocational training was caused by prison guards using their discretion to select eligible participants with good behavior. For instance, at the Kagoshima Prison, those who were convicted of sex offense,

drug offense, or organized crime were deemed ineligible to apply for vocational training, although there were no such selection criteria mandated by the federal guideline. The Fuchu Prison has also rejected prisoners based on seemingly extraneous concerns raised by correctional staff—the history of substance abuse, the current use of sleeping pills, symptoms of asthma, and the fact that the applicant had already possessed one of the licenses that inmates were supposed to obtain in the program (Ministry of Internal Affairs and Communications 2014). Even with rehabilitation programs becoming increasingly available at prisons in Japan today, they will not fully serve the purpose as long as the penal system reserves the power to distinguish inmates based on their prospects for rehabilitation.

While there is a recognizable gap in the state-run rehabilitation programs inside and outside prisons, non-governmental organizations provide community-based assistance to ex-inmates, especially those who did not qualify for parole. For drug offenses, the non-governmental, peer-run Drug Addiction Rehabilitation Centers are proven to be effective in helping addicts recover from addiction and live a constructive life (Kondo et al. 2004; Takahara et al. 2014). Although the number is limited compared to drug-related rehabilitation programs, there are also non-profit organizations for those who committed other types of crime. One peer-run, faith-based organization not only provides ex-inmates material support for community reintegration but also moral support by exchanging letters with prisoners to better assist them upon release. This non-profit, however, is a target of constant harassment from criminal justice authorities, which significantly hinders their process of peer support. In 2015, a warden of the Chiba Prison banned correspondence between the organization's formerly incarcerated staff members and several death-row inmates on the ground that such communications "prevent appropriate rehabilitation for the prisoners" (Chiba Nippō 2015). The inmates and the

organization filed a lawsuit and won, but this case only exemplifies the fraction of institutional discrimination that peer-run offender rehabilitation programs routinely experience in Japan. Thus, while pragmatic changes to create more offender rehabilitation programs and facilities are necessary, a paradigm shift in the Japanese penal system to see *all* offenders as deserving rehabilitation is of paramount importance.

Harm Reduction

Just as the Japanese correctional officers are in a dire need of an ideological shift, the criminal justice authorities as well as policy makers in Japan need to bring about a drastic shift in the way of thinking about and dealing with drug offenders, departing from the current prohibitionistic approach. In his comprehensive examination of Japanese procuracy, Johnson (2002b) revealed a shocking view that Japanese prosecutors held against drug offenders. His observation is as follows:

One prosecutor told me that America is a good “negative role model” for Japan because its unwisely lenient policies reveal what not to do in order to maintain social order. “Your country is far too lenient with drug offenders,” he opined. “As a result, your drug problem is out of control. Our [Japanese] history shows that strict enforcement works. We don’t try to rehabilitate them. You can’t. Nobody can. Drug users are dangerous criminals, threats to the social order, and they ought to be treated as such. We do” (p. 196).

Although one prosecutor’s sentiment cannot be generalized to all agents of control in Japan, this description does reflect the nation’s historically moralistic attitude toward drug offenders. Since the 1890s, moral entrepreneurs have routinely named illegal substance users as the source of social problems to secure the country’s political legitimacy in the wake of national crises (Kingsberg 2014). More recently, Japan’s punitive shift in the treatment of substance abusers was directly influenced by the political pressure from the US government in its effort of curtailing global drug trafficking during the 1980s (Vaughn, Huang, and Ramirez 1995).

Although Japan had virtually no influence over the prevalence of drug use in the US, the Japanese government nonetheless launched a widely advertised abstinence-only campaign “No! Absolutely No! (*dame zettai*)”, highly resembling the American anti-drug mantra of “Just Say No”, which was prevalent in the same period.

After a series of policy changes since the WWII that continued to criminalize the use, possession, manufacturing, and trafficking of illegal substances, Japan currently maintains one of the toughest drug laws in the world, especially in regards to marijuana. The possession of marijuana is currently punishable by five years of imprisonment whereas in the United States, it is between one to three years and fines. While first-time drug offenders are likely to receive suspended sentences and no prison time in Japan, they still have to deal with the repercussions of criminal justice contact such as arrest, interrogation, and detention. Despite the Western trend of decriminalization and legalization of marijuana, the moralistic approach to drug problems still pervades Japan. The prohibitionistic model of dealing with drug problems continues to justify punitive criminal justice policies while simultaneously feeding into society’s bias against drugs, drug offenders, and their families.

A need for a significant paradigm shift in the criminal justice system is once again highlighted, to curtail the stigma of drug use and provide effective treatment for addicts. Harm reduction is a pragmatic approach to minimize the health, legal, economic, and social consequences of drug use. Initiated by substance users themselves in Europe, the model views drug use as a public health issue rather than a criminal justice issue (Marlatt 1996). Based on an assumption that abstinence is an unrealistic goal, harm reduction emphasizes the importance of reflecting objective and factual information in drug policies. Though it is still a new concept in Japan, addiction experts and the family members of substance users as well as addicts

themselves are actively promoting this approach. Organizations such as the Asia-Pacific Addiction Rehabilitation Institution in Tokyo are at the forefront of this movement, pushing policymakers and law enforcement to adopt the harm reduction model in Japan (Koto et al. 2006). In January 2017, psychiatrists, families of addicts, and activists in Tokyo formed a coalition to advocate for the accurate media coverage of drug abuse in an effort of correcting the skewed image of drug offenders. Their guideline includes “not to use images such as white powder and syringes to illustrate the substance-related crime news; not to include footages of people expressing their ‘disappointment’ toward addicts; and not to mold the narratives of crime stories into a moving tale of the family’s support curing addiction” (Ishido 2017). While advocating for decriminalization and legalization seems like a daunting task in the conservative political climate of today’s Japan, initiatives like this have a possibility of slowly shifting the sentiment among the public and eventually, bringing about a significant legal change.

Advocacy

Although the families of offenders/prisoners have a fairly short history in civil society and academia throughout the world, it is safe to say that in the United States and Europe, the social movement for offenders’ (prisoners’) families is slowly in the making. Emerging out of the InternNational Prisoners’ Family Conference founded in the United States, the Advocacy in Action Task Force recently drafted a white paper to ensure the humane treatment of all prisoners and their families in every process of the American criminal justice system (InterNational Prisoners Family Conference 2015). In Europe, the Children of Prisoners Europe is taking the initiative to raise awareness, foster knowledge, and create activities and programs to assist

children who were affected by parental incarceration (Children of Prisoners Europe 2014). But will this kind of advocacy take place in Japan?

Compared to the families of non-drug-related-offenders, substance abusers' kin in Japan are quite active in advocating for legal, political, and social changes to effectively assist drug addicts and their families through an unbiased, family-centered approach. Although not always successful, their email listserv is constantly reporting their progress in negotiating directly with policymakers and bureaucrats to ensure more humane approaches to treating drug offenders. The families of those who committed other types of crime, however, still struggle to arrive at this stage. At one family circle meeting for the parents of non-drug-related offenders, a mother who had revealed herself as a resident Korean explained that, "I actively promote the equal rights for racial minorities in Japan because us Zainichi Koreans, we did nothing wrong. Yes, we did nothing wrong! But as a family of an offender... I do feel it is more difficult to say that." The sense of guilt haunts the families of violent and sex offenders in particular and affects their motivation to organize for social change diminishes. For the families of drug offenders, moreover, the medical model of addiction relieves them from the moral responsibility of shouldering the blame, as they can explain that substance abuse is a disease—something that cannot be controlled by families or addicts themselves. Additionally, even though many family members identify themselves as the virtual victims of drug addiction, the lack of victims in a traditional sense may render the drug offenders' kin more comfortable to advocate for their rights.

By teaching each other the language, conceptual framing, and practical skills to heal from the repercussions of substance abuse, families of addicts also empower themselves. The families of other types of offenders in Japan, in contrast, rely solely on experts to receive support. While professional assistance is crucial in navigating the criminal justice process and addressing mental

health issues, incorporating the self-help aspect into the current support model for the families of violent, sexual, and economic/property offenders in Japan may help empower these families. Things as small as letting the families be in charge of family circles would enhance their readiness and interest in mobilizing. Making the support for offenders' families more peer-oriented also increases the chance for the families to be connected with other peer-based organizations. Building coalitions with those who could potentially be touched by the criminal justice system due to a variety of issues from poverty and racism to mental health problems and domestic abuse can certainly increase the probability of bringing about a fundamental criminal justice reform in Japan.

Criminal Justice Paradigm Shift and the 2020 Tokyo Olympics

The stigma of criminality continues to torment offenders' kin in Japan. The disintegrative shaming endured by the family has indeed been an important cog in the Japanese crime control mechanism that heavily relied on general deterrence and self-correction. However, the government has been gradually recognizing the limitations of its conventional way of doing justice and shifting its gears toward rehabilitation and treatment. According to the Ministry of Justice (2014), the soaring recidivism rate is the major reason for the transition, which is currently the biggest concern for the government that is committed to boosting the image of "the safest nation in the world" before the 2020 Olympics in Tokyo. Several measures have already been taken to reduce reoffending and enhance the likelihood of successful community reintegration, such as the provision of a life-skill training program for disabled and elderly inmates (NHK News Web 2017). The current situation represents a great challenge for Japanese society, as it needs to determine whether to drastically shift its approach to crime control. But the

recent shift in Japan's penal system shows a possibility of abandoning the present form of criminal justice that separates "worthy" and "unworthy" offenders. It also represents a golden opportunity for the families of offenders to push the government into a robust criminal justice reform that emphasizes rehabilitation for *all* offenders.

CHAPTER 10: CONCLUSION

Through the examination of far-reaching repercussions of crime on the families of offenders in Japan, this study revealed the hidden labor routinely carried out by the offenders' kin as a proxy for the criminal justice system. Responsibilities shouldered by the families to supervise, correct, and rehabilitate offenders point to a way of criminal justice only achieved through the exploitation of the familial labor force. Moreover, this study has found that women in Japan assumed the majority of offender support responsibilities, confirming Richie's (2002) contention that it is women, not institutions, that deal with the consequences of crime. This study has also unveiled the lack of the family-centered, bias-free, and effective social services where the families of law breakers could seek support before their kin's behavior came to the attention of the law enforcement. As a result, families often experienced ambivalence toward the criminal justice system as well as their kin because extended stigma and offender support activities wore them out physically, emotionally, and financially.

To change the grim reality faced by the Japanese offenders' families, this study suggests overall two types of criminal justice reforms. One is a pragmatic change, which uses interagency collaborations, restorative justice programs, and criminal justice social work to connect the families to support services once their kin's law breaking is recognized. The second part of reform requires the fundamental paradigm shift, which is enabled by the adoption of the harm reduction approach to drug offenses, governmental commitment to rehabilitation, and public education to curtail the stigma of criminality. It ultimately calls for a system that does not separate offenders into "two realities" of criminal justice (Johnson 2002b).

Through findings and policy implications, this study contributes to the understanding of criminal justice in Japan, which has been long considered as an enigma (Miyazawa 1997). Most importantly, it challenges the “reintegrative” or “restorative” nature of Japanese society (Bayley 1991; Braithwaite 1989) by showcasing real-life examples of disintegrative shaming experienced by the families of offenders. It does, however, confirm the understanding of Japanese criminal justice as “self-corrective” (Bayley 1991; Johnson 1996), and adds that the Japanese way of criminal justice is only possible through the heavy reliance on the familial labor. In fact, the self-corrective nature of Japan’s criminal justice justifies is the major reason that offenders’ families are burdened with enormous offender support responsibilities; it justifies the government’s lack of motivation and budgetary allocation in offender rehabilitation and other social services.

Global contributions of this study should also be noted. This study highlights the importance of examining offenders’ families’ experiences in broadening the horizons of feminist criminology. By expanding the analytical scope and including women as offender’s kin, feminist criminologists can pose another effective criticism of the criminal justice system that routinely exploits women. Additionally, the experiences of stigma by family members of offenders in Japan function as a cautionary tale for Western countries in the age of global crime decline. Finally, this study calls attention to the criminological binary—a tendency to divide criminal justice realities into two opposing sides, of offenders and of victims—and advocates for a more nuanced understanding of criminal justice and those who get caught the binary.

This study is perhaps the most comprehensive examination of the lives of offenders’ families in Japan today. Yet, because the field is not nearly as explored as in the United States and other Western countries, the findings point to many areas that require further investigation. As noted in Chapter 4, this study excludes the offenders who have lost ties with their family

members. While there may be methodological issues to identify such families, as they may have deliberately severed familial ties, it is essential to include their perspectives in the literature of offenders' families in Japan. In particular, their reasons and triggers for discontinuing communication with offenders would add great insights into not only offender family support but also offender rehabilitation. Because aging in penal institutions is one of the most pressing issues in Japan, the experiences of elderly offenders' family members need to be explored, so not only the families but also offenders themselves can be better assisted.

While I was conducting participant observation at the family support group for the parents of juvenile delinquents, I came to realize that several school districts in Japan had started to import the zero-tolerance policies from the US. These schools have been using the stringent US imported policies to deal with various types of students' problematic behavior, from violence to school regulation violations to tardiness. Thus, there clearly exists a need to conduct a study on the comparative consequences of zero-tolerance policies. Because siblings usually attend the same school and there are few options for alternative education in Japan, it would be beneficial to examine the social repercussions of such policies on the younger siblings of those who are labeled as delinquent. A study like this would not only be an examination of the lived experiences of the family members of "rule breakers" but also a critical analysis of Japan's educational system.

Lastly, the experiences of the children of incarcerated parents in Japan need to be explored. In order to gain a comprehensive understanding of these children's experiences, however, it is crucial that their parents' experiences are also explored. Women prisoners, in particular, are completely absent in the literature of the Japanese criminal justice system. Examining not only their carceral treatment but also reentry process would help articulate the

children's experiences before and after their mother's release. The study of offenders' families will surely continue to add to our understanding of the intersections between women and the criminal justice system in a multi-dimensional way.

APPENDIX A: CONSENT FORM IN ENGLISH

Consent to Participate in Research Project:

Proxy Justice: Families of Offenders in Contemporary Japan

Mari Kita

University of Hawai'i at Manoa
Doctoral Candidate at Department of Sociology

My name is Mari Kita, MA. I am a PhD candidate at the University of Hawai'i at Manoa, in the Department of Sociology. I conduct research on the experiences of the family members of offenders in Japan. I would like to interview people who have a family member who had been accused or convicted of crime or have a close contact with the family members of offenders. Since the experiences of the family members of offenders in Japan is an understudied area, it is my hope that through the data collected from you and other participants, my PhD dissertation research will provide greater understanding of this population and to address their specific needs.

Project Description and Voluntary Participation: The research is conducted through two data-collection methods, in-depth interviews and participant observation. Detailed descriptions for each method are below. Participation in this research project is voluntary. You can choose freely to participate, not to participate, or to participate in either one of the data collection methods. In addition, at any point during this project, you can withdraw your permission without any penalty or loss of benefits.

In-Depth Interviews: The interview will last for about 60 minutes and is going to be face-to-face. I will record the interview using a digital audio-recorder. I am recording the interview so I can later type a transcript – a written record of what we talked about during the interview - and analyze the information from the interview. If you participate, you will be one of a total of forty family members who I will interview individually. One example of the type of question I will ask is, “*What are the challenges faced by the people as a consequence of their loved one's crimes in Japan?*” If you would like to preview a copy of all of the questions that I will ask you, please let me know now. The data obtained from this interview will be used in my Ph.D. dissertation and future research projects for publication.

Participant Observation: Participant observation means observing your everyday practices to gain detailed information about your unique needs and problems. Through participant observation, I will be able to obtain valuable information about your lived experiences that may not be fully captured in interviews or surveys. If you participate, I will observe and record your behavior mainly at the World Open Heart family circles, court, and prison visits. I will not use a recording device. The data obtained from these participant observations will be used in my Ph.D. dissertation and future research projects for publication.

Benefits and Risks: I believe there are no direct benefits to you in participating in my research project. However, the results of this project will definitely help me and other researchers learn more about the family members of offenders and their needs in Japan, which greatly assist the offender families to cope with their problems in the long run. I believe there is little or no risk to you in participating in this project. If, however, you are uncomfortable or stressed by answering any of the interview questions, we will skip the question, or take a break, or stop the interview, or withdraw from the project altogether.

Confidentiality and Privacy: During this research project, I will keep all data from the interviews in a secure location. Only I and my research assistant will have access to the data, although legally authorized agencies, including the University of Hawai'i Human Studies Program, have the right to review research records.

After I transcribe the interviews, I will erase the audio-recordings and put the transcripts in a permanently locked file cabinets. Regarding the data I obtained from participant observation, after imputing all the data into a computer, I will keep the data in a password-protected thumb drive. All the filed notes will be kept in a locked cabinet permanently. When I report the results of my research project, and in my typed transcripts, I will not use your name or any other personally identifying information. Instead, I will use a pseudonym (fake name) for your name. If you would like a summary of the findings from my final report, please contact me at the number listed near the end of this consent form.

Questions: If you have any questions about this project, please contact me at via phone (090) 2429-8443 or e-mail (marikita@hawaii.edu). If you have any questions about your rights as a research participant, in this project, you can contact the University of Hawai'i, Human Studies Program, by phone at (808) 956-5007 or by e-mail at uhirb@hawaii.edu.

Please keep the prior portion of this consent form for your records.

If you agree to participate in this project, please sign the following signature portion of this consent form and return it to Mari Kita.

Tear or cut here

Signature(s) for Consent:

I agree to participate in the research project entitled, *The Family Members of Offenders in Japan*". I understand that I can change my mind about participating in this project, at any time, by notifying the researcher.

- ☐ I agree to participate in interview.
- ☐ I agree to participate in participant observation.

Your Name (Print): _____

Your Signature: _____

Date: _____

If you agree that the interview will be audiotaped, please check the box of "Yes." If not, please check the box of "No."

☐ Yes

☐ No

APPENDIX B: CONSENT FORM IN JAPANESE

犯罪加害者家族に関する研究 参加への同意書

調査員: 北 茉莉 (marikita@hawaii.edu)
ハワイ大学マノア校社会学部・博士課程在籍

私はハワイ大学マノア校社会学部博士課程に在学しており、日本の犯罪加害者家族に関する研究をしています。博士論文を書くにあたり、犯罪加害者家族の方々やそのサポートに携わるの方々、また犯罪加害者家族と密接なつながりを持つ方々の、貴重な経験や意見をお伺いしたく存じます。犯罪加害者家族の研究はまだ日本では未発達な分野です。このインタビューによって得られたデータは犯罪加害者家族という見落とされがちな人々の支援に貴重な示唆をもたらし、日本社会における刑罰のあり方を理解する大きな助けになることと思います。インタビューは決して強制的なものではありませんが、ご協力いただけると幸いです。

この研究では二つの方法によってデータ収集が行われます。ひとつはインタビュー、そしてもうひとつは参与観察です。この二つのデータ収集方法の詳しい情報は下記を参照してください。

参加への任意性について

この研究への参加は完全な個人の自由です。強制的なものでは全くないので、**参加をいったん決めた場合でもいつの時点でも後から取り消すことが可能です。**また、インタビューのみの参加、参与観察のみの参加も可能です。

インタビューについて

このインタビューは約1時間から1時間半面接形式で行われます。また、すべての会話はご了承の上、ICレコーダーを通して録音させていただきます。この会話は、分析のため後にすべて文章(トランスクリプト)化されます。全体で約40人の犯罪加害者家族の方たちにご協力をお願いするつもりです。主な質問の内容は、ご家族の方が経験されたもっとも大きな問題や解決法などです。もし質問内容を前もってご覧になりたい場合は、コピーをお渡することも可能ですので、遠慮なくおっしゃってください。このインタビューに参加されることによって得られる直接的利益は特にありませんが、この研究成果は将来的に日本における犯罪加害者家族、そしてそれらの人々のニーズをよりよく理解するために必要不可欠です。ご協力いただけると幸いです。もしインタビューの途中で答えたくない質問があったり、休憩を取りたいくなった場合、もしくはインタビューを途中で終了し今後も参加をしたくないという場合があれば、遠慮なくおっしゃってください。

参与観察について

この研究での参与観察とは、みなさんと日常をともにすることによって、犯罪加害者家族のありのままの生活を詳しく観察し、記録した様々なデータをもとにみなさんの直面する独特な問題やニーズを調査する研究方法を指します。インタビューやアンケートでは得られない見落とされがちな情報や、みなさんの日常生活に即した、きめ細かい、生の情報を得ることができ、犯罪加害者家族となったことで生じるありとあらゆる現象を理解するのに大変役立ちます。観察対象となる現場はおもに裁判所、刑務所、拘留所などです。参与観察に協力することでみなさんに直接的な利益は特にありませんが、この研究が将来的に日本における犯罪加害者家族、そしてそれらの人々のニーズをよりよく理解する大きな一歩になることと思います。

匿名性について

研究を行っているすべての期間中、データは厳重に保管され、私以外の第三者の手に渡ることは**絶対**にありません。しかし、ハワイ大学など法的に権限のある団体はこの研究のデータを閲覧する権利があります。すべてのインタビューが文章化された後、ICレコーダーによって記録された音声はすべて削除され、トランスクリプト(音声は文章化されたもの)は半永久的に厳重に保管されます。論文やトランスクリプトの中では、プライバシーを守るためインタビュー参加者の名前や人物を特定できる情報はすべて匿名化されます。研究結果の概要を日本語訳したものを後にお渡しすることも可能です。

質問など

もしこの研究やインタビューについて聞きたいことがある場合は、私の携帯電話(090)2429-8443もしくはeメール(marikita@hawaii.edu)までご連絡ください。この研究へ参加するにあたって参加者の権利などを詳しく知りたい場合は、ハワイ大学ヒューマン・スタディーズ・プログラム(808)956-5007もしくは(uhirm@hawaii.edu)までご連絡ください。

北 茉莉

犯罪加害者家族に関する研究
参加への同意書

調査員: 北 茉莉 (marikita@hawaii.edu)
ハワイ大学マノア校社会学部・博士課程在籍

もしインタビューと参与観察の両方又はどちらかに参加していただける場合は、□に✓を入れ下部分にサインをし、北まで返却するか、電話かメールで後日連絡をお願いいたします。1枚目は各自で保存してください。

私は犯罪加害者家族に関する研究について以上の項目を理解した上で、

☐ インタビューに参加することを同意します。

☐ 参与観察に参加することを同意します。

氏名:

サイン:

日付:

インタビューに参加する場合

インタビューの録音に同意する場合は下記の「同意する」の□に□を、同意しない場合は「同意しない」の□に□を入れてください。

☐ 同意する

☐ 同意しない

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